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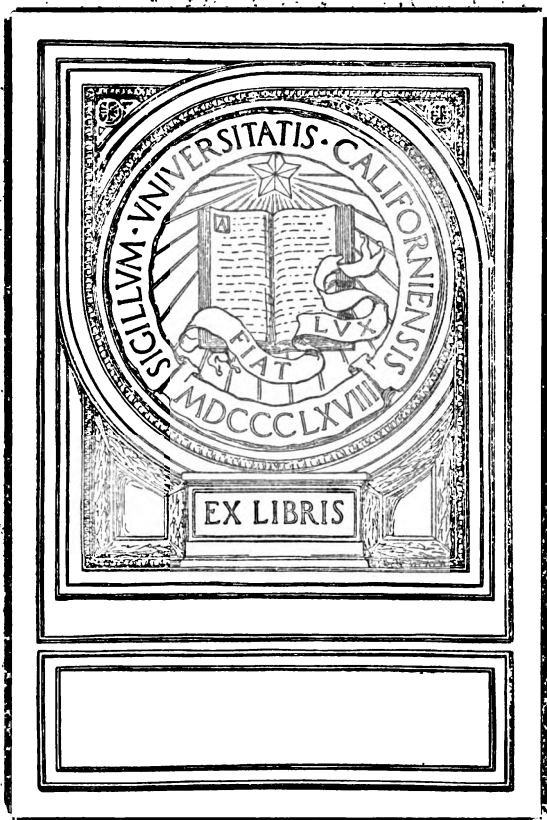
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PROGRESS

COLONIAL REFORM;

Brief View

OF THE REAL ADVANCE MADE SINCE MAY 15th, 1823,

RECOMMENDATIONS OF HIS MAJESTY.

UNANIMOUS RESOLUTIONS OF PARLIAMENT.

UNIVERSAL PRAYER OF THE NATION.

NEGRO SLAVERY.

*Drawn from the Papers printed for the House of Commons, prior
to the 10th of April, 1826.*

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THE
PROGRESS
OF
COLONIAL REFORM,
&c. &c.

ON the 15th of May, 1823, the House of Commons resolved, on the motion of Mr. Canning, "to adopt effectual and decisive measures for meliorating the condition of the Slave population in his Majesty's Colonies;" and expressed its hope that "through a determined and persevering, but judicious and temperate enforcement of such measures," the slaves might be prepared, "for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty's subjects;" "at the earliest period compatible with the well-being of the Slaves, the safety of the Colonies, and a fair and equitable consideration of the interests of all parties concerned therein."

In pursuance of this resolution, His Majesty's Government proposed to introduce into all the Slave Colonies the following reforms: viz.

1. To provide the means of religious instruction and Christian education for the Slave population.

2. To put an end to markets and to labour on the Sunday, and to appropriate that day entirely to rest and recreation, and to religious worship and instruction; and instead of Sunday, which had hitherto been the day on which, in most of the Colonies, the Slaves had cultivated their provision grounds, to allow them equivalent time on other days for that purpose.

3. To admit the testimony of Slaves in courts of justice.

4. To legalize the marriages of Slaves, and to protect them in the enjoyment of their connubial rights.

5. To protect the Slaves by law in the acquisition and possession of property, and in its transmission by bequest, or otherwise.

6. To remove all the existing obstructions to manumission, and to grant to the Slave the power of redeeming himself, and his wife and children, at a fair appraisement.

7. To prevent the separation of families by sale, or otherwise.

8. To prevent the seizure and sale of Slaves detached from the estate or plantation to which they belong.

9. To restrain generally the power, and to prevent the abuse, of arbitrary punishment at the will of the master.

10. To abolish the degrading corporal punishment of females.

11. To abolish the use of the driving-whip in the field, either as an emblem of authority, or as a stimulus to labour.

12. To establish Savings' Banks for the use of the Slaves.

Besides these important changes, as to the propriety of which, little difference of opinion has appeared to exist in this country, and even the West-Indian body have generally concurred,* there were two other points which formed the subject of much discussion, and to the expediency of which it was understood that His Majesty's Government assented.

One of these respected the question of relieving Negroes and persons of colour, from the operation of that unjust principle of Colonial law, which subjects them to be dealt with as Slaves, unless they shall be able to establish, by legal proof, their right to freedom. The other respected the policy of not permitting future governors, or judges, or attorneys-general, or fiscals, or religious instructors, in the Slave Colonies, to be holders of property in Slaves.†

The views which were taken of the condition of the Slave population by His Majesty's Ministers, and by the Anti-Slavery Society, may possibly have differed in some respects, and the former may have been led to think more favourably of it than the latter. But, thus far they were agreed; that that condition was such as to require those sweeping reforms which the above propositions involved, and which virtually conceded to the abolitionists the substance of their case. It was clearly impossible to maintain that such reforms were called for in our Slave Colonies, without admitting that the state of society existing there was at war with every acknowledged principle of natural equity, of common humanity, or of British constitutional law, and with the whole spirit

* Lord Bathurst affirms repeatedly, in his dispatches to the Colonial governors, that the measures he was anxious the legislatures should adopt, had "in almost every instance, been recommended by the principal planters resident in this country."

† See substance of the debate in the House of Commons, 15th May, 1823. Preface xxvi—xxxiii.

and genius of the Christian religion, and that therefore the most prompt remedial measures were called for.

His Majesty's Government appeared to have felt so strongly the force of this necessary inference from the facts of the case, that a fortnight was not suffered to elapse, after the resolution of the 15th of May, 1823, had been adopted, before brief instructions were sent to the governors of the different Slave Colonies, to have it forthwith carried into effect; and these were followed, in a few weeks, by further instructions still more ample and peremptory, to the same purport.* The abolitionists are accused of impatience, because they complain of the delay of three years which has already taken place, and of the much greater delay which, on the present plan of proceeding, is likely to take place before the proposed work of reform shall have even effectually commenced. But what was the language of Lord Bathurst, His Majesty's Secretary of State, as early as the 9th of July, 1823, in conveying to the Colonial governors His Majesty's commands?—"I have most earnestly to impress upon you," says his lordship, in his circular letter of that date, "*the NECESSITY of proceeding to carry these improvements into effect, not only WITH ALL POSSIBLE DISPATCH, but in the spirit of perfect and cordial co-operation with the efforts of His Majesty's Government.*" "If you should meet with any serious opposition, you will lose no time in transmitting to me the necessary communication, in order that I may take the EARLIEST opportunity of laying the matter before Parliament, and submitting for their consideration such measures as it may be fit to adopt in consequence."

It may be inferred from the language of this dispatch, as well as from that which His Majesty's Ministers held in parliament, that at this time they were not fully aware of the real state of things in the West Indies, or of the general temper and feeling of the Colonists; and that they relied on a ready compliance with requisitions so reasonable and moderate in themselves, and so consonant to the universal sentiment of the British parliament and public. They were in vain warned, by persons who assumed to be better informed upon this point, that they had embarked in a hopeless undertaking; that the Colonists would prove inflexible by any recommendations which could be addressed to them, or, indeed, by any considerations short of authoritative interference, on the part of the Government, and of Parliament; and that the course it was determined to adopt, must end in delay and disappointment, if not in insurrection, and all its concomitant evils.

Even in those Colonies in which (having no local legislatures) the King alone possessed the power of framing laws, it was deemed right

* See for these instructions, the Society's Second Report, Appendix D.

not to issue the requisite orders on the subject, but to submit the propriety of adopting the proposed changes to the Colonial authorities, and to await their decision. The result was such as those who knew them best had fully expected. The clamour against improvement was no less loud, the resistance to the Royal recommendations no less unqualified, in the Colonies subject to the Crown, than in those possessing assemblies of their own. The universality of this opposition on the part of the Colonists, the occurrence of tumult in Demerara, the fabricated plots in Jamaica, and the bullying remonstrances which burst concurrently from every part of the West Indies, appear to have had no inconsiderable effect on the measures of His Majesty's Ministers. Instead of coming down to Parliament to complain that the recommendations of His Majesty had not been carried into effect "with all possible dispatch," and "in a spirit of perfect and cordial co-operation with His Majesty's Government," and to ask for further counsel, they determined on delay; in the hope that when the existing irritation had subsided, the Colonists would be induced to act from a sense of what was due to the dignity of the Crown and the authority of Parliament, and to the recognized claims of humanity and justice. The single measure, to which, in the second year, they limited themselves, was to embody their plan of reform in an Order of Council, which should take immediate effect in the island of Trinidad, and be presented to the other Colonies as the model of their legislation. This expedient has proved equally abortive with that which was first resorted to; and, at the end of three years, the work of reformation which Lord Bathurst so properly and so peremptorily required should be proceeded in with all possible dispatch, has, as yet, scarcely commenced in any of the Colonies, excepting Trinidad; and even there it was found impossible to induce the Colonists to pursue it in the required spirit of perfect and cordial co-operation with His Majesty's Government. It became necessary to resort to compulsion, as affording the only means of carrying their plans into effect. No discretion was allowed to the local authorities. The Order in Council was imposed and enforced by the peremptory mandate of the Sovereign. Trinidad, therefore, is the only Colony where the proposed reforms have been carried into any thing like effect; and even there they have had to encounter from the first, and they are still encountering the decided and avowed hostility of the whole White Population.*

As the Trinidad Order has been exhibited to all the Colonies, as the

* See the Parliamentary Papers, passim, under the head Trinidad; the Society's Second Report, p. 1—7; and the Slave Colonies of Great Britain, p. 80. It is the second edition of this last work, which is quoted throughout.

model to which they are to assimilate their Slave codes, it is important exactly to ascertain the degree in which it may be considered to have successfully embodied the various reforms, which were originally contemplated by Ministers, as the first step in their progress towards the final emancipation of the Slaves. To this end it will be necessary to take in succession the different points mentioned above, and to show how far they have been effectively provided for by the Order in Council.

1. The Order speaks of some future time, when effectual provision shall be made for the religious instruction of the Slaves ; but it contains itself no regulation whatever either for the instruction of adults, or the education of children.

2. It is not until the effectual provision, thus indefinitely spoken of, shall have been made, that Sunday markets are to cease ; and, meanwhile, they are to be held only before ten in the morning of Sunday. The master is at the same time forbidden, except in the case of domestics, cattle-keepers, &c. to compel his Slaves to labour for his benefit on the Sunday ; and whatever necessary labour the Slaves may be induced voluntarily to perform for him, on that day, is to be paid for at fixed rates of wages. The Order therefore does not prohibit Sunday markets, except prospectively, and when religious instruction shall have been provided for the Slaves ; and yet it institutes no means whatever of such instruction. It further leaves the very important question of the Sunday labour of the Slave, in his provision grounds, for his own sustenance, wholly untouched. It has been most justly assumed by His Majesty's Ministers, as an undeniable position, that Sunday must be considered as a day belonging to the Slave : and this position has been clearly laid down by Lord Bathurst, in one of his dispatches to the governor of Trinidad. A question had been put to him by the planters of that island, as to their right of *compelling* lazy and turbulent negroes to work their grounds on Sunday, " as had," they say, " been the practice hitherto." His Lordship tells them that they are prohibited from using compulsion in this case, because they are entitled only to six days labour of the Slave in the week ; and out of the profits of these six days, the Slave must be supported. The master, therefore, can have no possible claim for the services of his Slave on the Sunday, either on his account, or with a view to the sustenance of the Slave. And for the time during the week which he may appropriate to his Slaves for their provision grounds, he can have no claim to compensation ; as the arrangement of allowing them land, and sufficient time for cultivating it, is adopted, adds his Lordship, in order to supersede the necessity of purchasing provisions for them.*

* See Slave Colonies of Great Britain, p. 81.

This view of the subject is clear and intelligible ; and the fair inference to be drawn from it is that the Sunday should be given wholly up to the Slave, while, to use Mr. Canning's language, *equivalent* time should be secured to him on other days, for cultivating his provision grounds. But this equivalent time has not been assigned to him in the Trinidad Order in Council.

It had hitherto been the practice in Trinidad, and indeed in all Colonies that pursued the plan, which is there pursued, of making the Slaves support themselves by the cultivation of their provision grounds, to allot the Sunday and a certain portion of time besides, varying from 16 to 26 days, for that purpose; the master assuming a right of compelling the slave so to employ not only those week-days, but the Sundays also; and it being often a part of the ordinary duty of the inferior overseers on plantations to visit the negro grounds on Sunday, in order to ascertain and report which of the Slaves were engaged there, and which were not. What precise number of days, besides Sundays, were allowed to the Slaves in Trinidad, for the purpose of raising their own provisions, is no where specified. Had the Spanish law been adhered to, as it ought to have been, the Slaves would then have had 52 week days and 30 holidays, besides the Sunday; which they might have called their own, and which they might have employed in raising food, and in acquiring the means of effecting their own or their children's manumission.* This merciful law, however, has not been enforced under the English government; and it is believed that the number of week days in the year, allowed to the Slave, has at no time exceeded 26, if it has even amounted to so many. If this apprehension be erroneous, it will be easy to correct it by producing the law of Trinidad on the subject.

What then is the situation in which the Trinidad Slave is placed by the Order in Council? The Sunday ceases to be a day of compulsory labour: Lord Bathurst justly affirms the right of the Slave to its absolute and undisturbed enjoyment; and yet no provision whatever is made by this Order for giving him equivalent time in lieu of it. The Slave, it will, perhaps, be said, may still work his ground as formerly on the Sunday. Without doubt he may. But was this the intention of His Majesty's Government, or of Parliament? Was it not intended, *bona fide*, that the *Sabbath* should be what its name designates—a day of rest, as well as of religious worship, to the Slave? And let the fact be supposed that the clergymen, or missionaries, who visit Trinidad, should succeed in conveying to any considerable number of Slaves proper impressions of the sanctity of the Sunday, and of the duty of devoting it to purposes of religious worship and instruction, would not the

See for proof the Society's Second Report, Appendix A, p. 72 and 77.

effect necessarily be that such Christian Slaves would at once have the pittance of time applicable to their own purposes, (at least, which they could conscientiously thus apply,) reduced from 78 in the year to 26. Seventy-eight week days in the year, however, is obviously the smallest number which, if the supposition that has been made respecting the practice which had hitherto prevailed in Trinidad be correct, can in justice be appropriated to the Slaves for their own use. They will otherwise be placed in a worse situation than before, as to time for cultivating their grounds. The Order in Council specifies no time which is to be secured to them, but leaves them either to the possession of the number of days, whatever it be, which, in addition to the Sunday they had hitherto been allowed, or to the tender mercies of their master for an increase.

The continuance of the Sunday market, even till ten o'clock, is, without doubt, greatly to be deplored, whether it be regarded as a voluntary and unnecessary desecration of that day, by the supreme authority of the state, or as a mere question of policy. The Government clearly possessed the power at once to put an end to this immoral and irreligious practice, and no good reason has been assigned for their not putting an end to it. The limitation of the market also to ten o'clock, while it does not save the day from desecration, imposes peculiar hardships on the Slaves. Many of them have to travel ten, fifteen, and twenty miles, with their loads for sale. In what way is it possible for them to attend the market, and to effect their sales, and to make their purchases, before ten o'clock, without sacrificing a night's rest, after a week of labour, in order to reach the Sunday market in due time? The regulation is therefore a cruel one to the Slaves, if it were possible to observe it; and if the Sunday markets are still to be continued, it can only be wished that the regulation may not be enforced.

The reason for this most objectionable prolongation of the practice of Sunday markets, is said to be an apprehension lest, until religious instruction shall have been provided, the Slaves should abuse the day to purposes of riot and licentiousness. But how is this effect to be obviated by fixing the market on Sunday, and above all by the limitation of that market to ten o'clock? On the contrary, is not this arrangement more likely than any other to produce the effect which it proposes to avoid? The slaves are drawn together in great crowds, from distant parts of the country, at an early hour on the morning of Sunday; and after a fatiguing walk, the length of which they must again retrace before they reach their homes, and with the money obtained by marketing in their pockets, are they not much more likely to be tempted to spend a part of the day idly and dissolutely, and, perhaps, after getting drunk, to unite for purposes of disorder, than if they had been induced, as they would have been had not the market drawn them to town, to remain

quietly at home, to repose themselves after the labours of the week, or to attend to their grounds or to other domestic occupations? It is an arrangement therefore both impolitic in itself, and most injurious to the slave.

The abolition of Sunday markets is made, by the Order in Council, to depend on a very vaguely defined, and most dubious contingency; namely, the making effectual provision for the religious instruction of the Slaves: Until that is provided, much, it is true, may be said for not interfering to prevent their labouring moderately in their gardens, or grounds, on that day; but no good reason can be assigned for continuing on that account the Sunday market.

It is chiefly, however, when the effect of this part of the Order in Council for Trinidad, upon the conduct and feelings of the other Colonies, is contemplated, that its regulations are to be deplored. It is exhibited to them as an *example*; but they do not find in it the proof of any high regard for the sanctity of the Sabbath; on the contrary, Sunday markets, are, for a time, expressly sanctioned by it. It contains no provision for giving to the Slave equivalent time in lieu of Sunday, though it forbids his compulsory labour, even on his own grounds, on that day. It, moreover, does not contain a single regulation requiring or enforcing the religious instruction, or Christian education, of the Slaves, in any degree however limited. To those also who are adverse to the abolition of the Sunday markets, being the great majority of the resident planters, it actually holds out an inducement to abstain from providing that religious instruction, on the existence of which the abolition of them is made to depend. Can it then be any subject of surprise, that with this example before them, only one of the Colonies should have abolished the Sunday market? In the unfortunate laxity of their model, do they not find a sufficient apology, at least, for delay? Would it not be unreasonable to blame them for not being in advance of the wishes of Government, as those wishes are to be traced in its own acts? Before improvement in these important respects is to be looked for in any of the Colonies, there must be a revision and correction of those clauses of the Trinidad Order which bear on this subject. Their malign influence on the progress of reform, in the other Colonies, is too plainly visible to be denied. Notwithstanding the appointment of bishops and archdeacons, and additional clergymen, only one Colony, throughout the whole range of the Antilles, has abolished the Sunday market. And, even in the two Colonies, which are the immediate residence of the Bishops, no measures have yet been adopted for abolishing it.

3. The next head, in the list of proposed reforms, is the admission of the evidence of Slaves in courts of justice. When the council of

Trinidad were asked what was the state of the existing law on this point, in that particular colony, they replied, in their minute of the 9th July, 1823, that the evidence of Slaves was now received there quantum valeat; and to this rule they do not state any exception. Now, if this be a correct account of the matter, and it does not appear to have been disputed, then the condition of the Slave, in respect of his admissibility as a witness, seems to be deteriorated instead of being improved by the Order in Council. For though it be true that the Order in Council has declared that "nothing therein contained shall extend to take away or diminish any power or authority which any court of criminal jurisdiction now hath to admit, in any case, the evidence of persons being in a state of slavery;" yet it seems difficult to conceive, that the special regulations respecting the admission of the evidence of slaves, introduced into the Order, were intended to have no operation whatever. It is there ordained, that any slave, whom any clergyman, priest, or religious teacher shall certify to understand the nature of an oath, shall be recorded as entitled to give evidence in courts of justice, in all cases civil or criminal, excepting in civil suits where the master is concerned, or in trials affecting the life of a *white* man. Is it not fair to ask, Did these exceptions exist under the old law of Trinidad? If they did not, then a positive injury is inflicted on the Slave by this (so called) amelioration. But it may be said, that these exceptions were not intended to operate in Trinidad, to the prejudice of the Slaves of that island, whose rights have been reserved by a saving clause in the Order, but were inserted in order to furnish a convenient exemplification of the provisions, on the subject of Slave evidence, which it was desired that the other Colonies should adopt. Even on this ground, each of the proposed exceptions is liable to some formidable objections.

In the first place, with respect to the non-admissibility of the evidence of Slaves in those civil suits in which their master may happen to be concerned; it is not denied that a Slave may be liable to a strong bias in favour of his master in cases of disputed property between him and third parties. Neither is it denied, that where an action of debt or trespass is brought by a Slave against his master, a species of suit which the Trinidad Order legalizes, the evidence of his fellow Slaves ought to be received with great caution, whether it be for or against the claim. But to shut out that evidence entirely, instead of leaving the question of its competency or credibility to be decided by the proper tribunal, seems to be a rule of very dubious import.

Another of the exceptions, however, is of a still more objectionable nature, namely, that which renders the evidence of Slaves inadmissible in trials affecting the life of a *White* man. Why, the *White* man, in par-

ticular, should be protected against the evidence of Slaves is not explained. If it be on the ground of his freedom, or of his proprietorship, these are grounds which apply with as much, if not more strength, and especially in Trinidad, to the Brown and to the Black who are free, and who are proprietors of Slaves, than it does to the White class. Throughout the West Indies, the judges and jurors, at present, are all White, and the White class, therefore, possesses, in this very circumstance, a peculiar guarantee against the evil effects which are to be apprehended from the admission of the evidence of Slaves on the trial of free persons accused of capital offences. If any class of proprietors could be regarded as more endangered than another, by admitting the evidence of Slaves in such cases, it would be the Black and the Brown classes, who are at present wholly excluded, in all the colonies, from a seat either on the bench or in the jury-box.

But this novel principle of legislation is liable to a still more formidable objection. The cruelties, mayhems, mutilations, and murders, which have taken place from time to time in the Slave Colonies, have been chiefly perpetrated by *White* men. The very strong feeling which has been excited in this country, in favour of the admission of the evidence of Slaves, has arisen from an anxious desire and hope of thereby guarding against the recurrence of these evils. The exception in question puts an extinguisher on that natural and reasonable hope, for it tends to confer impunity on the very parties whom it was desired, by the admission of Slave evidence, to restrain. A White man, under the operation of this exception, might safely murder his Slave, though a hundred or a thousand other Slaves were present. And by the peculiar construction of the Trinidad Order, a temptation seems actually held out to him, (of course undesignedly and through mere inadvertence) to do so in certain supposable cases. If, for example, a White man should be accused of cruelty to a Slave, Slaves may testify against him and convict him. If the same man should be convicted, as he may also be on Slave evidence, of a second offence of the same description, he would be condemned to the forfeiture of all his Slaves, and rendered incapable of ever holding such property, or being entrusted with the management of it. Is it not a possible case, that to avoid this ruinous result, he should be tempted to kill the maimed Slave outright? He would then be secure from conviction, if no free persons were present, although the whole of the Slave gang should have witnessed the murder.

It is the more extraordinary that this particular exception should have been admitted into the Trinidad Order, because, in almost every instance where the West India Legislatures have themselves chosen to relax, in any degree, their stern exclusion of the evidence of Slaves, it has included those capital cases in which the Trinidad Order has

rendered their evidence inadmissible. In Tobago, for example, the evidence of Slaves has been admitted, against free persons, without exception, in one case and one case only, and that is on their trial for the mayhem or murder of a Slave. In the latest Grenada Act the evidence of Slaves is also admitted against all free persons, but only when they are tried for capital crimes; and the abortive Bill of the Jamaica Legislature limited the admissibility of Slave evidence to capital offences. The Planters themselves in these islands must have perceived the groundlessness of those apprehensions which have led the Government to introduce so dangerous an exception into the Trinidad Order.

But there is a third exception, which has not yet been noticed, namely, that which requires the certificate of a clergyman or religious teacher, in order to entitle the Slave to be heard in evidence in any case, civil or criminal. Ought such a certificate to be required? Was it required under the Spanish Slave Code? Was it required in Trinidad under the old law? Is it now required in Cuba or Porto Rico? Has it ever been required under the operation of the civil law, in the Colonies planted by Holland? Is it now required of any one of our numerous subjects in Hindostan or in Africa, whatever be the gross and revolting form of idolatry which they practise, or the ignorance in which they are sunk? What could be more decisive than the language which was held, during a late discussion in the House of Commons, by Mr. Peel on this subject? He is reported to have said, that there was one topic above all others, upon which he could not avoid expressing a decided opinion—the qualification of Slaves to give evidence in a court of justice. Of that he would say, that he hoped not one year, no, not even a single session would pass by, without the enactment of some regulation on the subject. For, who were the persons to whom that evidence was to be offered? Why, they were the Whites. Could it be said then, that those who were to judge of the value of such evidence were unreasonably prejudiced in favour of the Black population? Quite the contrary. What he wanted was, that the responsibility of rejecting a Black man's evidence should rest, not on the law, but on some known tribunal. Such a measure would be the first step to invest him with those rights which that House considered it right to bestow upon him. And if they were resolved to carry their intentions into execution, and raise the Black population to the rank of human beings, he could not understand any reason why they should delay giving effect to their views, upon this subject, for a single moment. The Slave would be liable to be summoned just in the same manner as an idiot might be in this country; and it would lie with the jury to determine, when he appeared before them, whether his testimony should or should not be believed. For his part, he could not conceive a mind, even the most deeply imbued with West Indian

prejudices, who could see any danger likely to accrue, to the life or property of the White man, by investing the Slaves with such a privilege.

Such is in substance the language which Mr. Peel is reported to have held on the 1st of March, 1826. The language is worthy of his enlarged and liberal mind; and it is most ardently to be desired, that the principle which it maintains may form the basis of all future legislation on this subject, whether by the British Parliament, or by the Colonial Assemblies.

4. The fourth measure of reform proposed to be adopted, was to legalize the marriage of Slaves. This object appears to be effectually accomplished by the Trinidad Order, as far as regards the intermarriage of Slaves with each other—but no provision is made for legalizing the intermarriage of Slaves with free persons.

5. By the Trinidad Order, the Slave is protected in the acquisition, possession, and transmission of property, and is empowered to hold land as well as every other species of property, whether real or personal. This is, without doubt, a most important enactment, and fraught with the most beneficial consequences, provided the equivalent time to which the Slave is entitled, in lieu of the Sunday, is fairly and effectually secured to him; and provided also his industry is relieved from the cruel restrictions under which the law of Trinidad, in common with the law of every other Slave Colony in the British empire, has placed it. By that law the Slave is prohibited, under severe penalties, from cultivating or selling any of the staple productions of the island,—any articles, in short, of exportable produce. It is perfectly obvious, that under the operation of this law, if it is allowed to remain in force, (and Lord Bathurst himself admits it to be now in force*) the new regulation, liberal as it is in its terms, which gives to the Slave the power of holding land and of acquiring other property, is deprived of a great part of its value and efficiency, while a powerful motive to industrious effort, on the part of the Slave, is most unjustly withheld from him. At least, this principle of unqualified exclusion, which is now exercised towards the Slaves, throughout the Colonies, with respect to the liberty of cultivating or selling any articles of exportable produce, surely might, without prejudice to the interests of their immediate owner, admit of very extensive modifications.

6. The next point respects the removing of all obstructions to manumission, and the empowering of the Slave to effect the redemption of himself, and of other members of his family, at a fair appraisement. Upon this vital point, the provisions of the Trinidad Order, are, as far as they go, full and effective. They enable the Slave, if he has the

* See the Slave Colonies of Great Britain, p. 82.

means of paying the appraised value, to compel the liberation of himself, of his wife, or of his child. The beneficial effect of this regulation, however, would be greatly promoted, if it were combined with that admirable principle of the Spanish Colonial Code, which enables a Slave to purchase his freedom by instalments, and if measures were also at once taken for fixing, by anticipation, the maximum of price, which could be required for the different classes of Slaves, according to their age, sex, and acquirements.*

7. It was understood that the separation of families by sale, would be entirely prevented by the Trinidad Order.† This separation, however, is there prohibited only in the case of *judicial* sales. On what principle it is that the power of separating by sale, or otherwise, husband and wife, parents and children, which is denied to courts of justice, should be continued to the private owner, is not very obvious. On the contrary, it seems to be still more imperatively requisite to restrain the exercise of this cruel power, in the case of private individuals, than even in that of courts of justice. The latter are only occasionally called to interfere in such sales. The former enjoy, and may exercise the power at any time, when interest or inclination may prompt them to use it. There is no restraint on their sales or bequests; and the very threat of a separate sale by the owner may paralyze every exertion of industry in the Slave.

Neither by the Spanish nor by the Portuguese law can the husband and wife be separated, on any account whatever, except for crime. So jealous is the Spanish law especially, on this point, that it even enacts, (as may be seen in the Cedula of 31st May, 1789,) that "Slaves are not to be hindered from marrying with the Slaves of other masters;—in which case, if the estates are distant from one another, so that the new married couple cannot fulfil the object of marriage, the wife shall follow her husband, whose master shall buy her at a fair valuation, (by appraisers,) and if the master of the husband does not agree to the purchase, the master of the wife shall have the same facility." The same principle is made to regulate the sale of husband and wife residing on neighbouring estates, but belonging to different owners.

How far short of these regulations the Trinidad Order falls, which merely forbids the separation of husband and wife and children by *judicial* sale, it is unnecessary to point out.

The Trinidad Order further provides, that not only the husband and wife and children, but the *reputed* husband and wife and children shall

* See on this subject the Society's Second Report, p. 77—79, and a communication from Mr. Kilbee, the British Commissioner at the Havannah, to Mr. Canning, printed in the Parliamentary Paper, respecting the Slave Trade in 1825. Mr. Kilbee's Report will be found at the end of the Tract, entitled Negro Slavery, No. XV.

† See Mr. Canning's Speech on 16th March 1816.

not be separated by judicial sale. This provision seems to render it indispensable, that some subsidiary regulations should be forthwith adopted for ascertaining and recording these relations by repute, and for giving them a legal sanction; otherwise extreme confusion must, in no long time, necessarily arise in carrying into effect the existing law. Such a measure might, moreover, be rendered eminently useful in putting an easy termination to the unlawful and injurious practice of polygamy in all our Colonies.

8. The eighth head of reform proposes to prevent the seizure and sale of Slaves detached from the estate or plantation to which they belong. The Order in Council for Trinidad does not contain any provision to this effect, nor has such been adopted by any of the other Colonies.

9. The Trinidad Order contains some judicious regulations for restraining the abuse of that arbitrary power of corporal punishment, at the will of the master, which is still left to him. It limits the number of lashes which he can inflict on a male Slave at one time, and for one offence, to twenty-five, and no fresh punishment can be inflicted until former lacerations are completely healed. It requires that twenty-four hours should elapse, after an offence has been committed, before it can be punished; and when punishment is inflicted, it must be in the presence of a competent witness, besides the person by whose authority it is inflicted. It further requires that, on all plantations, a record should be kept specifying the crime which has been committed, and the kind and extent of punishment which has been inflicted; this record to be signed by the parties present, and copies of it to be regularly transmitted, certified on oath, to the Governor, and by him to the Secretary of State. The above regulations apply only to punishments which exceed three lashes; but it is not said how often punishments to that amount may be inflicted, nor is the instrument of punishment defined.

One of the clauses connected with this subject, which, in the Trinidad Order, is numbered the twenty-first, is extremely important. It provides that if any owner or manager is prosecuted for cruelly and unlawfully punishing a Slave, and if the Slave, alleged to be illegally punished, is produced in court with the marks of recent flogging or laceration, and such Slave shall make a consistent statement of the circumstances, then the owner or manager shall be bound to prove either that the punishment was not inflicted by him or with his consent, or that it was a lawful punishment and was lawfully inflicted; and in default of such proof, shall be adjudged guilty of the offence imputed to him.

It is one of the evils of the system of Slavery, that the British Government should thus feel itself compelled to regulate the manner in which private caprice may inflict the torture of the cart whip on the bodies of human beings, without even defining the offence for which it is to be inflicted. It is impossible that a system can long be maintained

which is considered to impose on that Government the painful necessity of placing so tremendous a discretion as that of inflicting on a fellow subject twenty-five lacerations of such an instrument, in the hands of an individual, whatever be that individual's character, who may thus combine in his own person the offices of accuser, jury, and judge, and if he will, executioner also. This is, indeed, a dire necessity, the ground of which ought to be anxiously considered by the Government and Parliament of this country, under a sense of the weighty responsibility which is attached to the rash delegation of such a power.

But not to dwell on this painful part of the subject, it seems important to remark, before closing the observations on this head, that the record of punishments is confined to *plantations*. The number of *personal* Slaves, however, in Trinidad, that is to say, of Slaves not attached to plantations, is considerable. *Their* owners are exempted from all the controul arising from the necessity of keeping and returning a record of the punishments they inflict, and from the formalities with which, in the case of plantations, those punishments must be accompanied. But is this exemption either expedient or just? Are a third or a fourth part of the Slaves in Trinidad to be thus abandoned to the tender mercies of their owners, without even that degree of protection which this part of the Order in Council affords to the remainder? Jobbing gangs, the Slaves of mechanics of various classes, and domestics, are all thus left out of the pale of this beneficial restraint on the arbitrary power of the master, while they are subjected to the immense disadvantage of being more under his eye, and therefore more exposed to the effects of his passion and caprice, than the others. Why should not the infliction of punishment in these cases be taken out of the hands of the master, and placed in the hands of the magistrate? It cannot be deemed right that it should remain on its present footing.

10. The entire abolition of the degrading and indecent corporal punishment of female Slaves, which is secured by the Trinidad Order in Council, must be hailed as a great improvement.

11. The abolition of the driving whip is another most important improvement. It would be well, however, if we were informed what is the precise substitute now practically adopted for that powerful stimulus, which the Planters of Trinidad have declared to be so indispensable as to be, in fact, identified with the very existence of Slavery. It is no question of idle curiosity to ascertain this point. It would, therefore, confer an essential service on humanity, if those who deny that the Negroes will work from any other motive than coercion would inform the public what are the precise means, which, in the absence of the driving whip, and without the temptation of wages, have procured from the Slaves in Trinidad, during the year 1825, the quantity of labour

which they have yielded to their owners. It would be important to know the whole process of this extraction; the nature and extent of the task; the criterion of its fairness; the penalty annexed to its non-performance; the advantage accruing from its speedy and correct execution; the proportion which the defaulters bear from day to day to the whole gang, with various other problems connected with the subject.

12. The establishment of Savings' Banks, under proper regulations, cannot be too highly applauded.

On the question of the effect, on the freedom of an individual, of his inability to establish his right to it by evidence, nothing is said in the Order for Trinidad; nor was it necessary: the registry act which is in force there, has settled that point in favour of freedom.

The Trinidad Order likewise recognizes the important principle that a man is disqualified for the office of protector and guardian of Slaves by being himself a planter. But while this principle is recognized, it is much to be regretted that its application should have been so limited as to divest it of much of its utility. It is true, that the protector and guardian of Slaves in Trinidad is prohibited from owning, or from being concerned in managing, a plantation cultivated by Slaves, in that island; but then he is not debarred from being the owner of plantations, and plantation Slaves, in every other Colony in the Antilles. He may be more deeply interested, in the maintenance of the Slave system with all its evils, than any planter in the island; and yet merely because his estates are not locally situated within its limits, they constitute no disqualification for an office, which, of all others, requires to be filled by an impartial and disinterested functionary. Nor this is all. Though he may not possess a plantation, worked by Slaves, in Trinidad itself, he may, nevertheless, not only possess plantations worked by Slaves in other Colonies, but be a master of Slaves within that Colony to almost any extent. He may be the owner of a jobbing gang; he may possess numerous mechanics; his domestic establishment may be filled wholly by Slaves; and though not a *proprietor* of estates within the island, he may, for a number of years, have been a manager of the estates of others, until he has become imbued with the worst prejudices of the system;—but none of these circumstances, nor all of them together, will form a ground of disqualification for this important office.

It may be argued, that without the liberty of holding domestic Slaves, it is impossible to live with comfort in the West Indies. But there is no Colony in the West Indies where domestics of free condition may not be obtained for hire, and in Trinidad especially, where there are 15,000 free Blacks and persons of Colour, the argument is preposterous. But, independently of this circumstance, so long as this country continues to garrison its Colonies with European soldiers, it is absurd to maintain

that the requisite number of European domestics may not also be procured by public functionaries. By such a course, a part, however small, of the excess of our population at home would find beneficial employment, while the safety of the Slave Colonies would be promoted by thus diminishing the disproportion between the free and the enslaved.

To permit the protector and guardian of Slaves, therefore, to hold Slaves of any description, or in any part of the world, is as unnecessary, as it is manifestly unfavourable to the progress of Colonial Reform,

The case is still worse as it respects the assistant guardians, for they are not debarred, by the Order, from being the possessors of plantations, and of Slaves, within the Colony, whether domestic or predial. Now as in all the Colonies, all the larger Colonies especially, the main duties connected with the office of protector and guardian must of necessity devolve on his assistants, it is plain that the whole intentions of the Government may be, and probably will be, frustrated by such an arrangement. The Slaves will be no better off than before. They will be as entirely and unreservedly as ever in the power of functionaries who are Slave-holders, and who will still be without efficient check or controul. The picture drawn by Mr. Dwarris of the operation of the former guardian act of Grenada, will thus be realized in all the Colonies. "It is not," says the attorney-general of that island, "a dead letter," (though the symptoms of its life have certainly not been very visible,) "but the misfortune is that proper persons *cannot be found* to carry it into effect. *They are those who may be liable to it themselves who are the guardians.* Perhaps a man may be a guardian one year, and his neighbour the next, which would prevent his acting strictly according to the act." The governor of Grenada testifies to the same effect. "*There are no persons to be found to fill the situation of guardian, such as must have been contemplated by the act, who are, as they ought to be, independent. They are chiefly overseers or managers. Can THEY be expected to say, that the clothing or food furnished by their employers is insufficient? Or if they do, may they not be afraid of the charge being retaliated?*"* And this is said of Grenada, the most liberal and enlightened, as we are told, of all the Colonies. What then must be the case in Trinidad under a similar constitution of things? With an immense list of naval and military officers on half-pay, is it impossible to apply any remedy to this evil? Is there not to be found in that list a sufficient number of highly respectable and meritorious men who, at a small expense, might be most beneficially employed in filling these important offices in all our Colonies, and whose remunera-

* See Mr. Dwarris's Report, p. 96 and 98, and the Society's Third Report, p. 34.

tion might be made to depend on the regularity of their returns, and the propriety of their conduct ?

There still remain two points of objection to the Trinidad Order in Council, which it will be convenient briefly to notice in this place.

One is that the hours of labour are not fixed. It is possible that there may already exist some law in Trinidad for that purpose : it is desirable, however, that it should be known. But whatever may be the limitation of the hours of field labour in Trinidad, it is manifest that *there*, as in the other Colonies, is superadded the oppressive task (after the labours of the field are closed) of collecting, and bringing to an appointed place, bundles of grass for the horses and cattle on the estate. It is difficult adequately to describe the vexatiousness of such a task ; and it is evident, from the returns of punishment in Trinidad, that there is no part of the duties required from the Slaves which leads to more frequent inflictions of punishment than this. Instead of employing, during the day, an individual or two to cut and carry the grass which is needed, the whole gang, men and women, at the close of a day of exhausting toil, under a vertical sun, must be engaged, for an hour or two after it is dark, in cutting and carrying large bundles of grass, perhaps thoroughly wet with rain, for a mile or two on their heads ; till having all assembled, (possibly after long waiting,) and delivered their bundles, they are dismissed to their homes ; some of them, perhaps, first receiving a few lashes, or being punished with a night in the stocks, on account of the scantiness of their bundles. This is an enormous abuse, which ought not to be endured for a day longer.*

But there is another, and perhaps a still more important, blemish in the Order in Council. It consists in a supplementary enactment, which directs that upon the complaint of a Slave to the magistrate, of an illegal punishment having been inflicted, the accused, if convicted, shall be liable to a penalty not exceeding ten pounds ; but that should the complaint prove groundless or malicious, the magistrate shall return the Slave, with a written declaration of the cause of dismissing the charge, to his master, who thereupon may inflict punishment, at his discretion, to the extent of 25 lashes ; or, if deserving of a higher punishment, the Slave may be remitted to the proper tribunal.

It is impossible not to feel that this system of making Slaves liable to punishment when they fail to establish, by satisfactory evidence, the truth of their complaint, (a system which prevails throughout the whole of the West Indies,) is radically vicious, and ought not to have been

* See Collins's Practical Planter ; Watson's defence of West Indian Methodist Missions ; the Tract, Negro Slavery, No. 1 ; and the Slave Colonies of Great Britain, p. 30. and p. 86—90.

sanctioned by His Majesty's Government. A Slave fails to prove the truth of a complaint, involving, even if established, a penalty not exceeding ten pounds; and for this failure, the complainant may be subjected to 25 lashes of the cart-whip, inflicted by an exasperated master, and that without his being arraigned, or tried, or having any opportunity afforded him of preparation, or of producing witnesses in his favour, but merely on the ground of what may have transpired before the magistrate, not on an examination of a specific charge against himself, but on the trial of a charge against his master. It may be perfectly proper to punish *malicious* complaints, but surely the punishment ought to follow a regular arraignment, and a regular trial and conviction, after all fair means of disproving the charge of malice have been allowed to the accused. The attorney-general, in a recent debate, expressed most strongly, in common with Mr. Canning and Mr. Peel, his sense of the obligation which lay on Parliament to provide that the Negro should enjoy the same protection from the law, both in its substance and its forms, as the White man. But what can be a more direct contravention of that principle, than the provision that has been mentioned; a provision, not only radically unjust in itself, but pregnant with the most disastrous effects on the happiness of the Slave population. Of the extent of those effects, some idea may be formed from the proceedings which took place in Trinidad itself, as detailed in the papers before the House of Commons, in the case of two slaves, Marquis and Regis; but still more from the returns of the fiscals of Demerara and Berbice. In the report of this last, especially, are to be found numerous instances of Slaves having been severely punished on the pretence that, supported only by the evidence of the very individuals against whom they complained, their complaints were unfounded.

It has been necessary to dwell at so much length on the Order in Council for Trinidad, because it is professedly the model on which the Government has declared its intention of acting, with respect to all the Colonies directly subject to its own legislation. It is extremely important therefore that its defects should be understood. In five of those Colonies, however, nothing has yet been done for giving effect to any one of its provisions, although it has been stated to be the intention of Ministers no longer to delay the necessary measures for that purpose. These Colonies are BERBICE, ST. LUCIA, HONDURAS, the CAPE OF GOOD HOPE, and the MAURITIUS. Of them, therefore, nothing need now be said; as the legal condition of their Slave population remains still in precisely the same state in which it was on the 15th of May, 1823. In DEMERARA alone has any thing as yet been done for assimilating its Slave laws to those of Trinidad.

It was Lord Bathurst's instructions to the governor of Demerara, that

the whole of the provisions of the Trinidad Order should be introduced into that Colony; and it might have been introduced there, as easily as as it had been introduced into Trinidad, merely by exercising the same act of the Royal authority in the one case as in the other. It was thought expedient to pursue a different course, and to prevail, if possible, with the Demerara Court of Policy, to adopt and promulgate the new code as their own enactment. Two years were passed in efforts to this effect, until Lord Bathurst was at length obliged to intimate to them, that "however desirable His Majesty's Government might be that the origination of this measure should proceed from the Court of Policy," it was necessary to explain that if they did not adopt his suggestions, His Majesty's Government "would feel it their paramount duty to issue, without further delay, an Order in Council for the purpose of carrying them into effect."* This intimation led to the adoption, by the Court of Policy, of the draft of an Order, which was transmitted to Lord Bathurst by Sir B. D'Urban, on the 14th of March, 1825; and of which an analysis with observations will be found in a former publication of the Society.†

On the 9th of July, 1825, Lord Bathurst returned this draft to Demerara, with a strong expression of His Majesty's approbation of the zeal with which the Court of Policy had proceeded to give effect to his wishes; and although he admits that the law will be imperfect until some important additions shall have been made to it, he nevertheless directs that a law, expressed in the terms of the draft, should be forthwith promulgated; his Lordship being anxious that the chief civil authorities of the Colony should appear to the Slaves to be the immediate authors of the beneficial change in their condition. He guards them, however, against considering the adoption of this course as, in any degree, admitting the claims of the Court of Policy, or compromising the rights of His Majesty, to the legislative authority in Demerara; or, as implying that Government meant to abandon any of the principles of reform enforced and acted upon in Trinidad, as nothing short of a complete compliance with those principles will satisfy them.

These observations are accompanied by a repetition of the arguments that had been already used by his Lordship in his dispatch of the 20th November, 1824, ‡ in reply to the objections of the Court of Policy; and he closes with expressing a hope, that they will spare him the necessity of introducing, into the Order in Council, regulations which the Court of Policy shall not have previously adopted.

The Court of Policy having taken this dispatch into their consideration, refused to modify any part of their draft, excepting the clause

* See Lord Bathurst's letter to Sir B. D'Urban, dated 20th Nov. 1824; and the Slave Colonies of Great Britain, p. 25.

† Slave Colonies, &c. p. 27—33.

‡ Ibid, p. 25.

relating to the marriage of Slaves, which they have now agreed shall when solemnized in the prescribed mode, "be held, and considered binding, valid, and effectual in law; provided nevertheless, that such marriages shall not confer, on the parties or their issue, any rights inconsistent with the duties which Slaves owe to their owners or to the government, or at variance with those rights which the owner or the government are by law entitled to assert over Slaves and their progeny, or subject such Slaves, so intermarrying, to any penal infliction the effects of which might destroy the rights or injure the property of their owners."*

The Demerara Ordonnance has been promulgated in this state of mutilation, and came into operation on the 1st of January, 1826.

The defects of the Order in Council for Trinidad, have been already pointed out. These defects, of course, remain in the law which has been adopted in Demerara, and they remain there in greater force in consequence of the omission, in the Demerara law, of several of the most important and most beneficial of the provisions of the Trinidad Order.

On the subject of these omissions, Lord Bathurst addressed the Governor of Demerara, in a dispatch, dated February 25, 1826. The first to which he adverts, respects Sunday labour, various kinds of which, as potting sugar, turning and drying coffee and cotton, &c. the Court of Policy contend it is necessary to continue, compulsorily, and without wages. Lord Bathurst, in commenting upon this statement, observes, that it is necessary to maintain inviolate the maxim that the owner of a Slave has no title to his labour, except during six days of the week.† All labour, therefore, on Sunday, for the preservation of the crops, must be *necessary* to that end, and must both be voluntary on the part of the Slave upon any estate, and must be paid for at a regulated rate by the master. This principle of remuneration to the Slave for Sunday labour cannot, his Lordship says, be departed from; and that remuneration must be paid, not in a small portion of the produce, but by ascertainable wages. Lord Bathurst is, therefore, of opinion, that the reasons alleged by the Court of Policy for permitting, in certain cases, the compulsory labour of Slaves without wages on Sunday, are insufficient to justify the practice.

With respect to the Slave's right of property, Lord Bathurst seems disposed to concede, that Slaves should be debarred from cultivating or

* See Papers of March, 1826.

† The transcribing of these and similar expressions, is not to be considered as implying an acquiescence in the justice of the principles which they involve. It would obviously be difficult for the owner to establish, on any very satisfactory ground, his just title to the labour of his fellow-men for six, or for any, days in the week.

selling the staple articles of sugar, coffee, and cotton, on the ground alleged by the Planters, both of Trinidad and Demerara, that a permission to cultivate or sell the staple commodities of the Colony, would tempt the Slaves to commit depredations on their owners' property. But even such a restriction as Lord Bathurst proposes would fall far short of that imposed by the law of Demerara, which enacts that " All slaves, as well males as females, are prohibited from selling or bartering with any one whatever, any produce, sugar, coffee, cocoa, indigo, cotton, rokow, syrup, rum, bottles, or flasks, or *any thing else* ; being permitted to sell only vegetables and ground provisions, the produce of their garden, or stock which they are permitted to rear ; on pain of their being severely flogged, on the plantation to which they belong, for the first offence ; and, for the second, to be punished by sentence of the court, according to the exigency of the case." *

If this law, or even the modified version of it proposed by Lord Bathurst, is to be maintained, what hope can reasonably be entertained of productive industry, beyond the mere supply of their necessities, on the part of the Slaves ? What would be thought of a law in this country which should prohibit labourers, who might be the owners or occupiers of a few acres of land, from cultivating upon it any of the staple articles of production ? But the Planters say, that if the existing prohibition were removed, a door would be opened to depredations on the Master's property. If depredation is practicable, the Master will be liable to it, whether such a law exists or not. But even if all the weight were allowed to the argument which is claimed for it, it does seem altogether unwarrantable to make the prohibition, as it now is, universal and unqualified. Why should the slaves of a sugar estate be debarred from growing coffee, or the slaves of a coffee plantation from growing cotton, or the slaves of a cotton plantation from growing coffee, ginger, and other exportable articles ? The law, as it stands at present, is conceived in the very worst spirit of a pure and unmitigated monopoly ; and if it shall be deemed necessary to continue it, it will only serve to convince the people of this country, more fully than ever, of the untractable nature of Slavery, and of the necessity, on every sound principle, whether of morals or of political economy, to effect its utter extinction. The Court of Policy had also brought forward an array of objections to the allowing Slaves to hold property in land, or to the giving them a power of civil action in regard to their property ; to some of which objections it is to be regretted that Lord Bathurst seems to attach sufficient weight to incline him to modify, in some degree, the provisions of the Trinidad Order.

* Slave Colonies of Great Britain, p. 26.

The third grand omission in the Demerara Order respects the right proposed to be given to the Slave to purchase his manumission. On this point Lord Bathurst justly observes, "no system of measures would satisfy the feelings of this country, or execute the purposes of the House of Commons, which did not contain some direct provision, some acting principle, by which the termination of Slavery may be gradually accomplished." He regards therefore the right in question as "a vital part of the whole measure," which "cannot be dispensed with." His Lordship then discusses at some length, and refutes, the reasoning of the Court of Policy on this subject, though occasionally on grounds which are themselves liable to very considerable question, and with occasional concessions which expose even his main principle to the risk of becoming practically inefficient. His Lordship's dispatch thus concludes—

"This principle of emancipation will proceed on presumptive evidence of the Slave having acquired habits of industry which may fit him for an independent existence, while it will secure to the owner that compensation to which it may be found by experience, as the measure advances in operation, he will be fairly entitled; and it is by experience alone that this can be truly ascertained.*

"A manumission of Slaves under these regulations will be in conformity with the concluding Resolution of the House of Commons in 1823, which declares that the great object of emancipation must be accomplished 'at the earliest period which shall be compatible with the well-being of the Slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the interests of private property.

"But the Court of Policy must recollect, that if, on the one hand, Parliament and His Majesty's Government stand pledged to give the Planters an equitable compensation, they stand equally pledged to take such measures as may ultimately, though gradually, work out the freedom of the Slaves.

"The Court of Policy may be assured, that from the final accomplishment of this object this country will not be diverted.

"It remains for me only to add, that I now, for the last time, bring these regulations under the consideration of that Court, with no other alternative, in the event of their declining to admit them, than that of

* This proposition is not a very obvious one, although its tendency is scarcely to be mistaken. But, after all, is not the real value of any article, whether it be a machine, or cattle, or the human animal, if we must so degrade him, the amount which it will command in the market?

my humbly submitting to His Majesty the expediency of enacting them by direct royal authority."⁴

There is, however, a fourth most important omission not noticed in the dispatch of Lord Bathurst, though mentioned by him on former occasions, namely, that clause numbered 21 in the Trinidad Order, which directs that on the prosecution of any Owner, &c., for inflicting any illegal punishment on a Slave, if the Slave so alleged to be punished shall be produced in open court, and if the marks of recent laceration shall appear on his person, and if the Slave shall make a consistent and probable statement of the facts, the accused shall be bound to prove either that the punishment was not inflicted by him or with his privity, or that it was a lawful punishment, lawfully inflicted; and in default of such proof he shall be convicted.

But besides the defects belonging to the Trinidad Order in Council, and which are also attributable to that of Demerara, and the further important omissions which have now been noticed in the latter, there are to be found in it some minor but yet material deviations from the Trinidad model, which ought not to be overlooked in any Royal Order it may be necessary to issue.

The interval between an offence and its punishment is altered from the definite period of twenty-four hours in the Trinidad Order, to "after sun-rise" of the day next following that of the offence; which may allow an interval of only six or seven hours. Again, instead of requiring, as in Trinidad, a free witness of the punishment, it is made sufficient that six Slaves shall witness it. It is surely a hazardous innovation to make the witnesses in such a case persons so wholly dependent on the punisher as his own Slaves must be; and the pretence for it, too, seems inadmissible, namely, that it may be impracticable to obtain, in any reasonable time, a free person, White, Brown, or Black, to attend and witness the infliction. If free persons are so extremely scarce

† See the papers laid before Parliament, March 1826.

The author of a pamphlet, more largely noticed below, has justified the course of referring this matter to the Court of Policy, by pointing out the important influence which will be produced, on the other Colonies, by the example of a local legislature like that of Demerara appearing to take into its own hands the *initiation* of such an Ordonnance. But those Colonies are not in ignorance of the real facts of the case. They know them as well as the author of the pamphlet. He cannot throw dust into their eyes on this subject, as they may have done too successfully into his. They well know that, whatever *appearance* may be given to the transaction, both the *initiation* and the *completion* of it belong to His Majesty's Government, and not to the Court of Policy. The attempt, therefore, to exhibit it to them under such a semblance, can serve no rational purpose whatsoever.

in Demerara, as to require such an arrangement, it is only a proof of the importance of imposing additional checks on arbitrary punishment, instead of granting additional facilities for its exercise. A delay of forty-eight hours is allowed in recording punishments, on what account does not appear. The penalty for failing to deliver, every six months, a copy of the record on oath, is only 300 guilders, or 25*l.* sterling.

The hours for *field work* in Demerara are made to extend from six in the morning till six in the evening, with an interval, in the whole, of two hours for rest and meals; being half an hour less than in the other Colonies. But, as has been already observed, *field work* by no means comprises the whole of the labour exacted from Slaves. One of the most onerous, vexatious, and injurious of the tasks daily imposed on them follows after the cessation of field work. We speak not of the labour of crop, as grinding and boiling sugar, pulping coffee, &c., which are allowed to be continued for half the night, thus depriving the Slaves, for several months of the year, of a great part of their natural rest; but of the prevalent practice, when the field work is over, of obliging the Slaves to collect food for the horses, cattle, and other live stock—a task which necessarily consumes from one to two hours of the evening in a most troublesome and unhealthy occupation; bringing with it also a needless multiplication of penal inflictions.*

In Demerara the Fiscal has been appointed the protector and guardian of Slaves. The two offices seem not to be very compatible; and if we may judge by the returns, already received from this very gentleman, of his decisions on the complaints of Slaves, they certainly present no satisfactory ground of confidence that he is peculiarly qualified for his new office.

After having pointed out the comparative defects of the Demerara Order, as compared with that of Trinidad, it is but an act of justice to state wherein it has improved upon that model. A record of punishments is directed to be kept not only on all *plantations*, as in Trinidad, but by all persons having gangs of Slaves exceeding six. Those who possess a smaller number are not subject to any such regulation; and yet persons in low circumstances are both less likely to be accustomed to restrain their passions, and less liable to observation than others. Their slaves, therefore, if no record of their punishments is to be kept, ought surely to be exempt from any arbitrary inflictions (at least beyond the three lashes which may be given in all cases without a record), unless by the order of a magistrate.

The Demerara law of evidence is also more favourable to the Slaves than that of Trinidad, inasmuch as it admits the evidence of Slaves in

* See above, p. 18.

civil suits in which the Owner is concerned, and on the trial of Whites charged with capital offences.

Such, then, is the actual extent of the improvements effected in the seven Slave Colonies subject to the crown. In Trinidad an Order has been promulgated, comprizing many beneficial regulations, but falling short of even that measure of reform which the public had been led to expect. In Demerara an Ordonnance has been published, which, as has been seen, falls, in some very important respects, below that of Trinidad. In the other five Colonies nothing has as yet been done.

The Colonies having Legislatures of their own are thirteen in number. To these the Trinidad Order was transmitted by Lord Bathurst in the year 1824 (full instructions to the same purport having been sent out in the preceding year), recommending it to them, in the strongest manner, to frame their Slave Codes accordingly. The result of these recommendations will now be explained.—Nine of these have done nothing, viz. Antigua, Barbadoes,* Bermuda, Dominica,† Jamaica,‡ Montserrat, Nevis, St. Kitt's, and Tortola, or the Virgin Islands.

In these nine Colonies, therefore, not one of the twelve or rather fourteen heads of proposed improvement specified above (p. 1, 2.) has been adopted, in consequence of the recommendations of His Majesty.

There remain, however, four Colonies in which *something*, it appears; has been done. We proceed to shew to what that something amounts.

* In the paper laid before Parliament, containing a "Statement of Slave meliorating Provisions recommended by His Majesty's Government," and enacted in the Colony of Barbadoes, the word "*none*" is affixed to each separate head of improvement.

† In the same paper several particulars are given of a Bill that had been proposed to the Legislature of Dominica, but had not yet passed into a law; but these cannot be regarded in the light of actual, but merely of projected ameliorations, which may or may not be adopted. Dominica has, however, at length repealed its tax on manumission, which Barbadoes has not done.

‡ Some trifling regulations have been adopted in Jamaica, which cannot be considered as meeting any one of the recommendations of His Majesty's Government, and which tend rather to relieve the master than the slave. Of what benefit, for example, can it be to the Slaves, generally, that they are free from arrest on Saturday as well as Sunday, unless their masters are pleased to do what they are not now obliged to do—to give them Saturday as well as Sunday for their own use? So, the facilities given to manumission are facilities for the accommodation of the master, in his voluntary acts of manumission, but which convey no rights to the Slave. And as for the power which is given of bequeathing money or chattels to Slaves, it is only permissive to the testator and executors. It conveys to the Slave no right of property even in the bequest which is made to him, and it expressly excludes him from the power of instituting any action or suit at law or in equity for the recovery of such legacy.

I. THE BAHAMAS.

The papers laid before Parliament would shew that improvements had been introduced into the law of the Bahamas, passed in 1824, in six particulars, namely, religious instruction, manumission, regulation of punishment, female flogging, marriage, and the separation of families. With respect, however, to the first three of these heads, they ought to have been entirely excluded, for reasons which shall now be given.

1st. All that the new Act says on the subject of religious instruction is to this effect:—"That all Masters, or, in their absence, their Overseers, shall, as much as in them lies, endeavour to instruct their Slaves in the Christian Religion; and shall do their endeavour to fit them for baptism, and as soon as conveniently may be, shall cause to be baptized all such Slaves, as they can make sensible of a Deity and of the Christian faith." Now these words, which form the 9th clause of the Act of 1824, are the very identical words which form the 6th clause of the Slave Act of the Bahamas of 1796, and which will probably be found in every general Slave Act passed before or since. Precisely the same words, without any variation, stand as a part of the Jamaica Slave Act of 1696,* and have continued to be transferred to each successive Act down to the last which was passed there in 1816. The very same clause, therefore, which is now produced as an amelioration, has stood a perfectly dead letter in the Bahama Code for at least thirty, and in the Jamaica Code for 130 years. How, indeed, could it be otherwise? The clause provides neither time nor means for performing the prescribed duty, and attaches no penalty to its neglect. Be its value, however, what it may—and it is not apprehended that any man will contend that it has had any practical operation whatever—it is not a new or even improved enactment, but one almost as old as the Colonies themselves; standing on their statute books, not as a monument of their zeal for religious instruction, but of the utter inefficiency of all such mere *recommendatory* provisions. The same worthless and wholly inoperative clause meets the eye in the codes of several of the other Islands.

2. The clause with respect to manumission has, if possible, still less claim to be exhibited as an improvement. It professes to *suspend* all acts imposing a tax on manumissions, when, in point of fact, no such acts were in existence. This is gaining credit for amelioration at a very moderate cost. Whoever will take the trouble of looking at a paper ordered by the House of Commons to be printed on the 14th of May, 1823, and numbered among the papers of that year, No. 347, will find there, at p. 15!, a return from S. Nesbitt, the Secretary of the

* See Privy Council Report of 1789.

Bahamas, dated 5th November, 1821, which states that there are "no taxes imposed on manumissions in this Colony," and that the fee charged for recording an act of manumission is only five shillings.

3. The pretence to improvement with respect to the regulation of punishment is equally destitute of all foundation. The 18th clause in the Bahama Act of 1824, which is quoted as justifying this part of the statement, is to the following effect, being in fact a literal transcript of the 11th clause of the printed act of 1796, viz.—"*In order to restrain arbitrary punishment,*" "no Slave shall receive more than TWENTY lashes at any one time, or for any one offence, unless the owner or employer of such Slave, or supervisor of the workhouse, or keeper of the goal be present;" and these several persons are then restricted from inflicting more than THIRTY-NINE lashes at one time and for one offence. But surely the framer of the abstract of ameliorations which has been laid before Parliament, must have been aware that this enactment was no amelioration, though it is represented as such. Thirty-nine is the greatest number of lashes which any law of any Colony has permitted to be given, at the will of the master. And the number TWENTY, which the driver in the Bahamas is allowed to give, is double the number to what he is now limited in almost all the other Islands, and has been limited in Jamaica for at least thirty-eight years.*

4. The clause relative to whipping females is to this effect, not that females shall not be flogged, as all Slaves may be flogged, with twenty lashes by the driver, and with thirty-nine lashes by the master, and, if it so please them, as heretofore, on the bare body; but that no female slave, above the age of twelve, shall be so punished otherwise than *in private*. In short, the Bahama Legislators, by way of improving their penal code, have borrowed a leaf from that of the Spanish Inquisition: their punishments of females are henceforward to be in secret.

5. The clauses respecting marriage direct that marriages of Slaves, or of Slaves and free persons, may be solemnized (one free witness at least being present) by *clergymen* or justices of the peace, without publication of banns or licence; but *only on Sunday*, between eight and twelve, a fortnight's notice being given; and provided the parties profess the Christian religion, and produce the written consent of their owners. Such marriages are to be registered, and are declared to be valid, and their issue legitimate; "saving always the just rights of ownership, which in no case whatsoever shall be hurt, prejudiced, straitened, or otherwise affected thereby;" and also, "provided that the marital power and authority to be thus acquired, shall in no such

* See the Jamaica Act of 1788, limiting the driver to ten lashes, and the owner to thirty-nine.

case impugn, diminish, or interfere with the rights or authority of the owner or owners in, to, and over such slave or slaves, in any manner whatsoever." It is a remarkable part of this provision that it debars from the benefits of the marriage tie all slaves who are not Christians, or who are married by any religious teachers but clergymen, and this in a colony where but for the labours of the Methodists there would be few if any Christians. The legislators of the Bahamas might have known that, in other parts of the British dominions, among the many millions of our Hindoo and Mahommedan subjects, for example, and even in Great Britain itself, the profession of Christianity is no necessary condition of a valid marriage. Jews and others may there form valid marriages without any such profession, nor is any thing of the kind required even in that most religious part of the empire, Scotland. One would have expected that wise legislators would rather have been desirous of removing all possible impediments to marriage, than of thus multiplying them. The present limitation is one, which, through the utter insufficiency of the clause enjoining religious instruction, must shut out a large portion of the slave population of the Bahamas from the benefit of this provision.

6. The regulation with respect to the non-separation of families is less liable to just exception than any that has been mentioned. Slaves being husband or wife, or reputed husband and wife, and their child, or reputed children under fourteen, *being the property of the same owner*, are not, whether by private contract, or public sale, or by virtue of any mortgage, execution, or other legal process, to be sold separately, or otherwise than in one lot, and to the same person; and the same rule applies to slaves passing by bequest. This law supplies one great defect in that of Trinidad on the same subject, prohibiting the separation of families by *private sale*, as well as by *judicial process*. The remarks already made on the subject of *reputed* marriages, (see p. 13.) are applicable equally to the Bahamas as to Trinidad. Such marriages ought at once to be registered and rendered valid.

It is unnecessary now to refer to the many unjust provisions of the new Slave Law of the Bahamas. They are pointed out in the pamphlet entitled the Slave Colonies of Great Britain. (p. 4—11.) But, besides these, it has not provided for the religious instruction or Christian education of the slaves; or for the observance of the Sunday (equivalent time being given to the slaves on other days); or for the admission of slave testimony; or for the protection of slave property; or for facilitating manumissions; or for preventing the sale of slaves detached from the plantation; or for restraining the power of arbitrary punishment; or for abolishing the corporal punishment of females; or for putting down the driving whip; or for establishing saving banks.

II. TOBAGO.

Tobago has been the first of the Colonies, having legislatures of their own, to adopt any of the proposed ameliorations. A brief view of some very serious objections to various provisions of its recent act, may be seen in the pamphlet already referred to, the *Slave Colonies of Great Britain* (p. 78). At present the object is to shew wherein its legislation has been improved. The points in which any improvement is alleged to have taken place are—the observance of Sunday; the admission of slave evidence; the right of property; the regulation of arbitrary punishment; and the sale of Slaves detached from the estate.

1. The observance of Sunday. In this island alone have Sunday markets been as yet abolished. In future the markets are to be held on Thursday. It is not however provided that the slaves shall have the Thursday on which to go to market; neither is equivalent time allowed them in lieu of the Sunday. The allowance of time to the slaves, indeed, for the cultivation of their grounds, besides the Sunday, is more liberal than in any other colony. It amounts to thirty-five week days in the year: but even this is far below what the equity of the case calls for; for the Sunday being now no day of labour, as formerly, the addition to the preceding allowance of week days, whatever it was, ought to have been fifty-two.

2. Slave evidence is admitted, by the Tobago act, in no civil case whatever, and in no criminal case, excepting where a free person is charged with murder or mayhem of, or cruelty to, a slave; and when no free person was present, or can be produced to prove the facts. In that case, if two slaves testify to the same fact, and their credibility be unimpeached, their testimony is to have the effect of the testimony of one White; and the slave suffering the mayhem, &c. may be one of the two.

3. Slaves are declared to be entitled to hold personal property, "*fairly acquired*," and to sell the same, and to bring all actions personal for recovering the same, slavery being no plea in abatement of such action. Here, however, no means are pointed out by which a slave shall proceed in asserting his right, nor any penalty affixed to his being hindered or molested in doing so.

4. The regulation of punishments consists in limiting the power of the owner, &c. to the infliction of twenty stripes, being fewer than any other law authorizes, and in requiring that a free witness should be present whenever the punishment exceeds twelve stripes. Drivers are restrained from punishing without express orders; but those orders, it is obvious, may be renewed from day to day. One clause, the 25th, appoints the President of the Council, the Speaker of the Assembly, and the Judges of the Court of Common Pleas, guardians, to inquire

into complaints of cruelty towards slaves, and to direct, if need be, their prosecution by the Attorney General. The uselessness of such a regulation may be seen in the case of Grenada as stated above (p. 17). Indeed Grenada has just repealed its Guardian Act.

5. It is said that the separation of slaves from the land was prevented by a former law of Tobago. There is, it is true, a law of some standing which makes slaves, as well as cattle, real estate; but then this appears to be only for certain special purposes. They are to be real estate, in so far as to descend to the heir at law, and that widows may be endowed thereof; but they are still to be chattels, if the owner's other goods are not sufficient to pay his debts.

Here then we have the amount of improvement in Tobago. No means are provided, and no time set apart for religious instruction. Equivalent time in lieu of Sunday is not given to the slaves. Their testimony is admitted in a very partial and restricted manner. Their marriages are not legalized. Facilities are not afforded to manumission. The separation of families by sale is not prevented. The flogging of females is not prohibited. The use of the driving whip is retained. Saving banks are not established; and free persons are not adequately protected in the enjoyment of their liberty.—And yet the authorities of Tobago declare, in the most peremptory terms, that they have reached their ultimate point in the scale of improvement, and that they will not, in deference to a wild fanaticism, sacrifice their inalienable rights by proceeding another step.

III. GRENADA.

The points in which, since May 15th, 1823, the Legislature of this Colony has adopted the recommendations of his Majesty, are stated, in the papers recently laid before Parliament, to be eight; namely, religious instruction; the observance of the Sabbath; the evidence of slaves; manumission; the non-separation of families; the regulation of punishment; the driving whip; and the slave's right of property. These different points are mentioned, without doubt, in an act recently passed in Grenada; but how far they merit to be mentioned as ameliorations, will more clearly appear on an examination of them in detail.

1. Religious instruction. On this head, though it is so stated in the abstract, there is really no amelioration. The Grenada slave act of 1788 contained a clause on this subject, which was far more specific than the corresponding clause in the recent act, and had penalties annexed to it which the new act has not. The penalties and specification of the old act have been abandoned, and the barren generalities of the Jamaica act of 1696, the established form of evasion throughout the West Indies, have been substituted. Nay more, the former Grenada acts were prefaced by an imposing preamble, recognizing in solemn

terms the obligation to introduce among their slaves a knowledge of the Christian religion (see the act of 1797); and yet so utterly useless, so devoid of all force and vitality has been this parade of legislation, that the clergymen of that island, in making their returns to Lord Bathurst of the state of religion (see Papers printed by the House of Commons in July 1818), admit that very few of the slaves attend divine service. "Sunday is the general public market day," "and almost the only one on which slaves have an opportunity of bartering the produce of the provision grounds allotted to them for other commodities." "These markets are generally at their height during the performance of divine service, and being holden on the Sabbath day, little attention or respect is shewn to the religious duties of the day." "When I remonstrate," says one of these gentlemen, the Rev. W. Nash, "they reply, that if they come to church they must starve, as Sunday is the only day they have to cultivate their garden. The plea is so reasonable that I cannot oppose it; but I heartily wish their masters would deprive them of it by allowing them one day in each week to labour for themselves." "If they have not time for instruction," he justly remarks, "ignorance is unavoidable"—though "to human beings whose moral feelings and intellectual faculties have been suspended for ages unknown, and at length almost annihilated by an execrable system of oppression, under which, in order to endure existence, it was necessary to suppress every generous sentiment, to stifle every tender emotion, to forget they were men, every consideration that the horror of their situation can suggest, and the benevolence of the Christian religion inspire is certainly due."*

Now if the more stringent clauses of 1788 have produced no effect, and have never been alleged to have produced any, are we to be deluded into a hope of amelioration by the repetition of words which have been repeated to satiety, and without effect, for 130 years; which point to no means; prescribe no time; and are accompanied by no sanctions? Here the movement is absolutely a retreat and not an advance.

2. At the time that Mr. Nash wrote the report which is cited in the last paragraph, it is obvious that there was in Grenada no observance of the Sabbath, that first preliminary requisite to effectual religious instruction, and which would have done more for religion than all its other specious but hollow enactments.

Had the Slaves come to church, in quest of the religious instruction the act required to be given to them, Mr. Nash tells us, they must have starved, as Sunday was the only day they had to cultivate their grounds.

* This passage, with many others of the same description transmitted to Lord Bathurst at the same time, lay unheeded on the table of the House of Commons for five long years.

The law, it is true, allowed them even then one day in fourteen out of crop, or about eighteen days in the year. Mr. Nash does not say that those eighteen days, though allowed them by the letter of the law were, like the religious instruction, in practice withheld from them, though his language seems to imply it. But, whether that were the case or not, it is still plain from his statement, that, in his opinion, with fifty-two Sundays in the year at their own disposal, they could not have come to church without the risk of being starved. But what does the new Act do to remedy this state of things? Does it give the Slaves equivalent time for their fifty-two Sundays, so that Sunday may be left for repose and instruction? No. The act merely prescribes, that the Slaves shall have twenty-eight days in the year, that is ten more than they were allowed before. Now, to fulfil the purposes of Government as to religious instruction and the observance of Sunday, and to give the Slaves equivalent time in lieu of Sunday, seventy days in the week ought to be given them, whereas they have only twenty-eight. This is a singular mode of improving their condition and of rendering common justice to the Slaves.

The Sunday market, however, is not abolished in Grenada. Something is said, indeed, about extending the market hours on Thursday, and it seems to have been assumed, by the framer of the abstract, that the clause on this subject is intended as an amelioration of the condition of the Slaves. But the clause has nothing whatever to do, necessarily, with the Slaves. It is to this effect—

That, “whereas by the laws at present in force” (what are those laws?) “for regulating the public markets, the hours thereby limited may not afford sufficient time for the sale of provisions and other articles necessary for the consumption of the inhabitants, be it therefore enacted, that in addition to the time already appointed for holding such markets,” (what is that time?) “the market hours on Thursday, throughout the year, shall be extended from six o’clock in the morning till six o’clock in the evening.” And what does this clause do for the poor Slaves? Does it give them the Thursday on which to go to market? No such thing. They, for aught that appears to the contrary, are occupied wholly in the field in that day. Nay, it may be even impossible for their masters to allow them on that day to travel to market for fear of arrest. The clause has not the slightest immediate bearing on the condition of the Slaves, except as it serves to throw dust in the eyes of the people of England. With precisely the same effect, as respects them, might the market have been extended from six to six on every day of the week, as well as on Thursday. Sunday would still of necessity be the Negro’s market day. He can have no other unless it is specially given to him by law, or by the special favour of an unincumbered owner. As for the clause that no stores are to be kept open on Sundays, under a penalty

of £10 it is an enactment of precisely the same description ;—it may do to be read in England, but cannot, in present circumstances, be acted upon in Grenada. A law, precisely in the same terms, was passed in Jamaica in 1816, but it could not be rigidly acted upon, as the markets continued to be held on Sunday. Indeed, how is it possible, that while Sunday continues the market day for the Slaves, and no other has been appointed, that this law can be enforced ? If it were possible, it would to them be most cruel.

A clause forbids the employing of the Slaves on Sunday. If this mean nothing more than that they shall not work elsewhere than in their grounds on that day, which is, in fact, working for their masters, nothing is gained by it ; for this has always been the law and the general practice in all the islands in which the Slaves are fed from their own provision grounds. But, if it means that they are not to work on their own grounds on that day, then a positive wrong is done to them : they are deprived of their Sunday without an equivalent. So much for the amelioration in respect to religious instruction, and the observance of the Sunday, in Grenada.

3. The evidence of a Slave is only admissible by this new law against a free person on a charge for a capital offence ; and even then, he must produce from the clergyman a certificate of baptism, and of competency as a witness, and also of good character from the proprietor, &c., who may be the very man against whom the charge is made. But no free person shall be convicted, unless two Slaves shall clearly and consistently depose to the same facts, and unless their evidence shall be corroborated by circumstantial evidence to the satisfaction of the court and jury. It may be fairly assumed, that few convictions will take place on evidence so fettered.

4. The Slave's right of property. The clause which is cited in the abstract as giving this right, does not in fact give any such right. It merely provides, that if any owner or any other person shall unlawfully take away from, or deprive, any Slave of any personal property by him possessed, such person shall forfeit £10 over and above the value of the property taken away. And this is all. It is not enacted, that a Slave may legally hold and enjoy property, or legally transmit it to others, or may sue for it by himself, or any one else in his name, or that he can cite others as witnesses in his behalf, or that to take it unlawfully from him is theft or robbery, as the case may be ; but whatever be the circumstances, the person so unlawfully taking it, forfeits ten pounds. As the matter ought not to be treated as a debt, but a crime ; the penalty is rather a protection to the free person against the legal consequences of such a crime, than of the Slave against lawless depredation.

5. In the clause also which pretends to afford facilities for manu-

missions, all that is done is to permit the owner of an estate, upon which there may be a mortgage, to manumit a Slave, provided he can put in his place another Slave of equal value, to be ascertained by appraisal. This clause can produce little or no benefit to the Slaves generally. Its chief practical effect will be to enable mortgagors in possession, or their representatives, to redeem their own spurious offspring, or the mother of such offspring from slavery.

6. It is enacted, that no married Slave, or unmarried female Slave, having a child or children under twelve, who may belong to the same owner, shall be sold by judicial process, except together and to the same person. But thus far, according to Mr. Dwaris, Grenada had previously gone. His words are, "Unattached Slaves are ordered to be sold one by one, except mother and child under ten years of age." The necessary condition of being actually married in order that husband and wife may not be separated, is peculiarly hard in a Colony, the returns from which shew that no marriages had taken place there for fourteen years.

7. The regulation of arbitrary punishment, by the master, consists in his not being allowed to inflict beyond fifteen lashes, except in the presence of a free person; or more than ten without a record to be produced only when called for; or more than twenty-five for any one offence on any one day, or till the Slave has recovered the effects of the former whipping. But, if the owner thinks that the Slave's *fault, though not cognizable by law, is of such enormity* as to deserve a more exemplary punishment than twenty-five lashes, it shall be lawful for the owner to carry the offending Slave before ONE or more justices of the peace, *who may direct such corporal punishment, not extending to life or limb*, as the offence shall in HIS or their discretion merit; and all this without appeal. This enactment is itself an enormity. What then are the crimes, *not cognizable by law* (the West India Penal Laws, as they affect slaves, are surely sweeping and comprehensive enough) of which a Slave can be guilty, which shall be of such enormity, as to require that ONE justice or any number of justices, shall have the power of inflicting upon him an exemplary corporal punishment to any extent short of life or limb? Is it impossible to imagine two neighbouring owners or managers, each in the commission of the peace, agreeing to execute this summary and terrible justice on the slaves of each other, *for crimes not cognizable by law*, and therefore violating no law? Is there not enough in this single enactment to shew not merely the uselessness, but the criminality, of continuing to commit the well being and happiness of so many thousands of our fellow subjects to persons capable of framing, apparently without a feeling of its cruelty and injustice, such a provision as this? And then, with respect to the record of punishment, directed to be kept by the owner or the

justice, there is no penalty imposed for its not being kept, and no return required on oath, or otherwise, of its contents. They are to produce it only when called for, but without any penalty for refusing to do so.

8. The 12th clause, respecting the driving whip, affords a happy instance of legislative evasion. It enacts that, "*no Slave or Slaves shall carry any whip, cat, or other instrument of the like nature, as a mark or emblem of his, her, or their authority, while superintending the labour of any slaves on any estate, and the persons so offending, and each and every person who shall or may direct, instigate, or abet such illegal use or exhibition of any such whip, cat, or other instrument, shall be deemed guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as the Court before which such misdemeanour is cognizable may direct.*" Now, let this miserable, unmeaning, and worthless enactment be compared with the corresponding clause in the Trinidad Order, which the Grenada legislators had before their eyes at the time they framed it.—"And it is further ordered, that it is, and shall henceforth be illegal for *any person or persons*, within the island of Trinidad, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any slaves in or upon the fields or cane pieces upon any plantation, or to use *any such whip, cat, or instrument, for the purpose of impelling or coercing any Slave to perform any labour of any kind or nature whatever*, or to carry or exhibit, upon any plantation or elsewhere, any whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person so carrying or exhibiting the same over any Slave," and then all persons doing so, or authorizing, or aiding, or abetting "*such illegal driving, or use, or exhibition of any such whip,*" shall be deemed guilty of a misdemeanour, to which is attached *a fine not exceeding £500 nor less than £50 or imprisonment for not more than six months, or less than one month, or both fine and imprisonment*, at the discretion of the court.

In the Grenada act, it will be seen that the prohibition as to carrying a whip is confined to Slaves, as if no one but a Slave could be employed as a driver. The crime prohibited too is not the *using a whip to impel or coerce labour*, but the carrying and exhibiting it as an emblem of authority. The evasion is of so gross a kind as to defeat its object; but it shows the reluctance which prevails to part with the driving-whip.

In one point the framer of the abstract has not done full justice to the Grenada act. He has omitted to notice that it contains a clause *permitting any Slave*, who may be desirous of intermarrying *with any other Slave* belonging to the same owner, to apply to any Clergyman of the Church of England, or any Catholic priest, or "*other persons thereto legally authorized,*" who are required to solemnize the same,

provided a written permission is produced from the owner; and the clergyman, &c. shall consider the Slave to have an adequate knowledge of the nature of the marriage vow. It is unnecessary to repeat the observations already made (p. 28.) on this strange restriction. The clause, however, after all, while it *permits* marriages of Slaves in certain cases, dexterously avoids conferring upon them any legal validity. It was, perhaps, on this account that all notice of it was omitted in the abstract.

Another reason for the omission, no less valid, may have been that this clause, instead of being an ameliorating provision, falls far short of the Grenada law of 1788, which not only authorizes the marriages of Slaves, but imposes penalties on the clergyman who shall refuse to solemnize them; and furthermore imposes penalties of a still heavier kind, on all who shall violate the purity of married females, being Slaves. Thirty-four years after this law had been passed, in the returns laid on the table of the House of Commons, in March, 1823, we are told by one clergyman of Grenada, Mr. Nash, that "the legal solemnization of marriage between Slaves in this island, is a thing unheard of;" by two others, Mr. Webster and Mr. Macmahon, that no application had ever been made to them to marry Slaves. The former, during an incumbency of 12 years, and the latter, during one of 37 years, had "never heard of such a thing" as the marriage of a Slave. And yet, in the ameliorating Slave law of Grenada, the same enactment as to marriage is again inserted, but divested of all the penalties which seemed to afford some chance of its efficiency, and without any provision for giving a legal effect and validity to Slave marriages.

This act sweeps away the whole system of guardians of Slaves, which the legislators of Grenada had exhibited in their former Slave acts, as the very perfection of West India legislation; and which, as they have repealed it, Tobago has taken up. This is another curious illustration of the uncertainty of Colonial legislation. It would be endless to go through the different clauses of this act, in order to shew the gross injustice of many of the provisions which it retains, and which are to much the same effect as those which will be found in the Slave acts of the Bahamas and Barbadoes.* A few instances will suffice.

By clause 7, The hours of labour are fixed from day-break till sunset, with an interval of two hours and a half for breakfast and dinner (half an hour more than Demerara gives), and slaves are not to be compelled to work beyond that time, except in "manufacturing such produce as necessarily requires night or extra labour," or "in the carrying a bundle

* See Slave Colonies of Great Britain, p. 4—19.

of grass or stock meat from the field to the stable or other place where the same is consumed.”*

By clause 15, A slave complaining, and whose complaint shall appear to the justices to be groundless, shall be punished, not exceeding thirty-nine stripes.†—A person taken up as a runaway slave, but claiming to be free, may (by the 22d clause) be sold by order of a meeting of Justices, even though no one prefers any claim to his services. And this is the more remarkable, because one clause, the 48th, throws the onus probandi on the claimant of a slave in a question of slave or free. But the Justices, by this act, may sell a man to whom no one else can establish a claim, merely because they are not satisfied he is free.

By clause 29, Any person carrying off or attempting to carry off from the island a slave without the owner's leave, shall be guilty of felony without benefit of clergy.

By clause 33, Swearing, committing *any indecent act in any place*, getting drunk, quarrelling, wilfully galloping, cantering, or trotting a horse in the town of St. George, may be punished in a slave with twenty-five lashes by any justice.

By clause 35, Black men and women pretending to communication with the devil, or (clause 37) *compassing or imagining the death of a free person*, may be punished with death.—A slave breaking loose from prison, when committed for felony (clause 38), is punishable with death, without benefit of clergy.

By clause 40, Slaves executed or transported, or condemned to hard labour for life, are to be valued and the price paid to their owners.

Such are some of the barbarous provisions contained in this new act, passed in 1825, and they make it the more to be regretted that Lord Bathurst, while he objects to many of the clauses, should have expressed himself so strongly as he has done in approbation of it. “I cannot but be sensible,” he says, “that it falls short of what has been recommended, yet it deserves to be considered as an important improvement of the existing code.‡ *Its provisions are all of a beneficial nature as far as they go.*”—“I instruct you, therefore,” he writes to the governor, “to convey to the legislature his Majesty's gracious approbation of what has been done; to recommend first that they should revise those enactments in the late act to which I have more particularly called their attention in a separate dispatch, and secondly, to take into their serious consideration the important measures which are yet wanting to fulfil the expectations entertained from them.”

* See Slave Colonies of Great Britain, p. 30, and 86, and above p. 18.

† See above, p. 18, 19..

‡ As compared with the act of 1788, it is the reverse of an improvement.

The acting Governor, Mr. Paterson, who is himself a planter, in a letter dated the 21st Nov. 1825, tells his lordship that there are some points which seem to Lord Bathurst to be indispensable, with which he fears it will be "impossible to comply," namely, "the total prohibition of the whip as an instrument of correction of females, and the right of slaves to purchase their freedom." Other things, he says, may admit of being modified or explained—but to cease from flogging women, or to give a slave a power of purchasing his freedom, are, in the estimation of this public functionary, ruinous innovations. The women, he says, are the most turbulent of the slaves; and to allow slaves, he adds, to purchase their freedom would be tantamount to gradual but ultimate ruin!—Now, what hope can be entertained of beneficial enactments, on these subjects, from men who can thus speak and judge? Mr. Paterson argues against the appointment of a Protector of slaves as unconstitutional: he is "an officer unknown to the British constitution." How such an officer *could* be known to the British constitution which suffers no slavery—Mr. Paterson will perhaps explain. But what makes this objection on his part the more extraordinary is, that he must have taken a part in renewing, if not in framing, the boasted Guardian Act of Grenada, by which men's eyes in this country were for a time blinded. Now, however, he has acquired new lights on the subject: neither guardians nor protectors are any longer wanted. "The magistrates," he says, "men of the first note," all interested in the welfare of the slave population, "can afford the injured slave more immediate redress than he could receive" from a protector in town. Let the reader look back to the conduct of those Grenada magistrates, as certified by the Governor and Attorney General of the colony (p. 17), and then judge of the delusive nature of the acting Governor's representations.—Equally unsound and delusive is every syllable of his defence of Sunday markets; and if all he says were true, yet how inconsistent is it with his reasoning, to impose a fine of £10 on every one who keeps open his store on Sunday! How are the poor negroes to make their market if that law is enforced on the only market day allowed them? Mr. Paterson does not even pretend that it was meant to give them any other day at present for their markets.—On the subject of the whip, he observes, "that its use was not intended to be prohibited, but the exhibition of it to be interdicted, not only as the emblem of authority, but as an instrument of coercion, excepting when sent for, or taken to the field, for the purpose of punishing an offence previously committed, and requiring immediate correction." This is not a fair representation of the Act, as may be seen by referring to the transcript of it above, (p. 36.) Besides, Mr. Paterson must have known that the principle of immediate correction, for which he manfully contends,

and the benefit of which he exemplifies by a reference, (which, we believe, is wholly unfounded,) to the army, navy, and public schools, is in the teeth of the principle of the King's recommendation, that an interval of 24 hours shall always pass between the offence and the punishment.—He defends the discretionary power, given to a single magistrate, of inflicting any punishment, short of life and limb, on offences not cognizable by law, by saying, in the usual style, that “the magistrates are the lawful and willing protectors of the Slaves.”—“It would be contrary,” Mr. Paterson further tells us, “to the whole system and very existence of Slavery, to admit a right of action in a Slave against his owner, and what no West Indian legislature would or could concede.”

Then follows some metaphysical reasoning to prove the wisdom of the Grenada legislation in admitting Slaves to give evidence in the case of *capital* offences, but refusing to receive such evidence in civil suits, or in petty cases of assault, or of trivial crimes.

Is it right that men who can thus reason, and thus feel, should be the representatives of His Majesty in protecting, and in administering justice to so large a portion of His subjects; or should be entrusted with the delicate task of legislating for them?

IV. ST. VINCENT'S.

The new act of St. Vincent's resembles that of Grenada in several respects. It contains a similar clause on the subject of religious instruction. It limits markets to *ten* on Sundays, and yet shuts up shops on that day, under a penalty of £10; appointing no other day for marketing. It does not give equivalent time to the Slave in lieu of the Sunday. It protects the property of Slaves in the same inadequate manner as the Grenada act, and follows it in adopting, in nearly the same terms, the same evasive enactment respecting the driving-whip. It says nothing of manumission, except that free Black and Coloured freeholders are not to be freeholders for any other purpose than that of holding and assigning their freehold property; thus disfranchising, by a stroke of the pen, a large class of His Majesty's subjects, whose only crime is the colour of their skin. It says nothing of preventing the separation of families by sale. Slaves are declared, by an old law now renewed, to be real estate and not chattels, and as such shall descend to heirs, and widows be endowed thereof; but if there be not chattels to pay debts, then Slaves shall be taken and sold as chattels. It does not modify the power of arbitrary punishment by the master, but leaves the Slaves, men and women, subject, in all respects as before, to 10 lashes by the driver, or 39 by the owner or manager. It requires a register to be kept *on every estate*, but it is to be produced only when called for, of all punishments above ten lashes. It requires

clergymen to solemnize the marriages of Slaves, producing the consent of their owners, and understanding the nature of the marriage vow ; but it gives no *express* validity to such marriages, and declares that they shall confer no rights inconsistent with the duties of Slaves, or subject them to penalties, the effect of which may injure their owners. It admits, in capital cases alone, the evidence of a Slave, provided he produces a certificate of baptism and character ; provided also that two Slaves clearly and consistently depose to the same fact, being examined apart, and that the crime is prosecuted within the year. But no Slave is to give evidence where his owner, or manager, or any *White* person, is charged with a capital crime.—How strangely the principles of West India legislatures vary, even on such a point as this. Grenada and Tobago admit the evidence of Slaves in the very case in which St. Vincent and Dominica exclude it. But besides the defects which have been noticed, more numerous and still greater violations of all just and enlightened principles of legislation are to be found in the new law of St. Vincent, than even in that of Grenada.

The whole of the alleged improvements, in the Slave codes of our different Colonies, has now passed under revision, with the exception of Dominica. The parliamentary papers, however, having given only the draft of a bill for that Colony, with the blanks not yet filled up, it would answer no purpose to examine it. And even if, as has been stated, that bill has actually passed the different branches of the legislature, it would constitute no improvement in the legal condition of the Slave, as compared with the act of the same island, passed in 1788. There is nothing in it really new, except that females are not in future to be whipped *in public*, and so as to occasion any *indecent* exposure ; and that a register is to be kept of punishments. The clauses in the new act about religion, and the observance of Sunday, fall even below those of the old act, which are admitted to have been wholly inoperative ; while the clauses in the former act on marriage, and the violation of the purity of married females, so much vaunted at the time of its passing, are wholly omitted in the new. The clause on Slave evidence appears to be of the same restricted kind what was passed eight or ten years ago.

Such then is the result of that reference of the great work of Colonial Reform, which was made to the local assemblies nearly three years ago. The most cursory reader will at once perceive how widely different is that result, not only from what was originally proposed by the Government, as the first step in the progress of that reform, but even from the statement recently made, as from authority, in the House of Commons,* of the ameliorations that had actually been effected.—

* On the 28th of February, 1826.

That statement is reported to have been to this effect, viz.—*That, since May, 1823, of the Colonies having legislatures of their own, EIGHT had taken measures with respect to religious instruction; the observance of Sunday; the giving security to the property of Slaves; the modification of punishment; and the abolition of the driving-whip:—That SEVEN had admitted the evidence of Slaves; and had given facilities to manumission:—That FIVE had legalized marriage; prohibited the separation of families; and abolished the flogging of females:—That FOUR had prohibited the sale of Slaves detached from the estate: and That TWO had established saving banks.*

Now, instead of having this flattering picture of improvement realized, it turns out, that, even if we include Dominica in our estimate, only FIVE of the Colonies, out of thirteen, having legislatures of their own, have done any thing whatsoever towards carrying the resolutions of the 15th May, 1823, into effect; and

Of these five,

NONE have done any thing with respect to religious instruction.*

ONE (Tobago) has abolished Sunday markets.

FOUR (Tobago, Grenada, St. Vincent's, and Dominica) have given a very limited protection, in certain cases, to the property of Slaves.

Two (Tobago and Grenada) have lowered the scale of arbitrary punishment by the master.

Two (Grenada and St. Vincent's) have made a mere shew of abolishing the driving-whip.

THREE (Tobago, Grenada, and St. Vincent's) have admitted the evidence of Slaves in a very limited degree.

NONE have given to the Slave the power of effecting his manumission by purchase.

* We are aware of the statements on this head which have been made, both in the House of Lords and in the House of Commons; but they do not go in the slightest degree to invalidate the position, that nothing has been done by Colonial legislation for the religious instruction or for the education of the Slaves, since May, 1823. The passing of a law to regulate the ecclesiastical jurisdiction of the Bishop, or the raising money to build a church, are both very proper measures; but they do not constitute either religious instruction or education, except in the view of those who conceive that when a clergyman has received 4500 dollars for baptizing 9000 Slaves in a year, or two years, he has made them all Christians. Barbadoes, for example, has had eleven, and Jamaica nineteen, Churches, for at least a century. It is stated, as a proof of the religious zeal of the people of those Islands, that they are about to build another. This is very laudable; but will this twelfth or twentieth church do for the Slaves more than the former eleven or nineteen? The bishops and clergy lately sent may, without doubt do much, if they are so disposed, for the religious instruction and education of the Slaves: but they are appointed by the Crown, not by the Colonies.

ONE (Bahamas) has legalized marriage, and two (Grenada and St. Vincent's) have permitted it in certain cases.

ONE (Bahamas) has prohibited the separation of families, either by private or judicial sale; and ONE (Grenada) has prohibited it by judicial sale.

NONE have abolished the flogging of females.

NONE have prohibited the sale of Slaves detached from the estate.

NONE have established saving banks.

And now, after reading this meagre statement, let any man look carefully at the vain and inefficient, and often contradictory and unjust provisions, by which it is pretended to ensure even the scanty measure of improvement which the most partial advocate of the Colonies can deduce from these papers, and he must feel convinced, that no useful or consistent legislation is to be expected by continuing to pursue the present course. Delay and disappointment can be its only results.

In the first place, the great mass of the enactments are framed in direct contradiction to the admirable principle involved in the following passage of one of Lord Bathurst's letters to the Governor of the Bahamas:—"Since the superiority of rank and education which belongs to the White inhabitant, is an aggravation of the offence committed by him, there is an *injustice* in assigning to the aggravated offence the minor punishment." He also condemns those clauses which enact that a severer punishment should be inflicted on a crime committed by a Slave, "whose ignorance is an extenuation of his guilt," than by others, "for whose guilt no such extenuation can be presumed." And yet it is the uniform character of the, so called, *meliorating* laws which have now been reviewed, that they are built upon this reprobated principle.

The enactments in question are further at war with the important principle laid down in a late debate,* by such high authorities as Mr. Canning, and the Attorney General, namely, that it was indispensable to the ends of justice, that there should be, both in form and in substance, an equal administration of it to White and Black. These enactments proceed on a totally different principle.

Further, even those provisions of law which wear the semblance of amelioration, are almost all destitute of adequate sanctions, or of an executory principle; and they are all confided to the administration of the very men whose power it ought to be their object to controul, and against whom it is the universal feeling of the country, that the Slave requires to be protected.

In short, if such impotent and evasive enactments, as most of those

* On the motion of Mr. Denman, the 1st of March, 1826.

now laid before the public, are to be represented, under the sanction of the highest authority in the state, as "Slave meliorating provisions;" and if some of the views, as far as we understand them, which have been developed, or rather hinted at, in certain quarters, are henceforth to regulate the measures to be taken in respect to Slavery, the hope of an early and effectual reform, not to say extinction, of that opprobrious condition of society, is, to say the least, very greatly discouraged.

But here the Colonists, and their friends in this country, meet every call for parliamentary interference, by using, in order to combat the expediency of that line of policy, the very arguments which have been advanced in its favour. "It is utterly impossible," they say, "and your own statements prove it, that Parliament can legislate effectively for the Colonies, unless the Colonists become the willing and concurrent executors of its enactments. No benefit can be hoped for, from laws, however excellent, which the courts and juries of a country combine to frustrate or to elude. The feelings and prejudices of the community will triumph over the most skilfully framed statutes."

It would be vain to deny that a very formidable difficulty is here brought forward, and that if it admits of no satisfactory solution, the evils of Colonial bondage are irremediable, except by one of those convulsions which shall suddenly and irresistibly burst the chains that bind the Slave, involving, perhaps, him and his master in one common ruin. For that the Colonists will of themselves frame and execute laws, which shall carry into full effect the recommendations of His Majesty and the wishes of the nation, is what no one, who is acquainted with their sentiments, can be weak enough to suppose. *They* see nothing but ruin in every measure *tending* to emancipation; and they will not, they plainly tell us, be themselves the artificers of that ruin.

But "what," it is asked, "can Parliamentary legislation effect, to obviate this formidable and fatal difficulty?" The question requires, and shall receive, a distinct answer.

1. In the first place, it will be admitted that good laws are better than bad laws. In as far as the Colonial statutes are chargeable with a want of uniformity and consistency; with gross inequality and injustice; and with the absence of adequate sanctions and executory provisions; it would clearly be in the power of Parliament to apply a remedy. The object of Parliament would be to give effect to its own wishes and resolutions: the object of the Colonists, in all the Colonies, is rather to resist, and, if they cannot resist, to elude, their accomplishment. Here, at least, would be a manifest advantage on the side of Parliamentary legislation. And when it is considered how very contracted is the White population of most of the Colonies, and how large a portion

of that class are necessarily in low and servile situations ; and, of the remainder, how few are qualified, by their rank in life, and by the union therewith of intelligence and high principle, to form wise and enlightened legislators, in points at once so difficult, and so deeply affecting their pride, their passions, and their interests ; it would evince an extraordinary disregard of the claims of humanity and justice, if, after experience has so fully confirmed all the deductions of reason on this subject, we should continue to delegate to them the task of legislating for the entire Black and Coloured population of our Colonies.

If it be doubted whether any good may be done by means of checks and sanctions, introduced into the Colonial Acts by some paramount authority, it is only necessary to refer to the Trinidad Order in Council. It is there provided, that the Protector of Slaves shall not be entitled to receive his salary until the returns, which are required from him, have been made in a complete and satisfactory manner. This single provision will serve to illustrate what may be effected by the judicious regulations of willing legislators, in enforcing even those laws which are obnoxious to the general feelings of a community.

2. But, in the second place, however well the laws may be framed, as to their letter, it must be admitted, that if the judicial administration of the Colonies remains on its present footing ; if the Judges are still to be Planters, and to be dependent for their salaries on assemblies of Planters ; comparatively little good would result from the improvement. But is it not the duty of Parliament to provide, not only that the laws should be good and just, but that they should be justly, and equitably, and faithfully administered ? Would it make no difference in the character of that administration, if the offices of Judge, Attorney General, and Fiscal (to say nothing at present of Governors, and of Protectors and Assistant Protectors of Slaves), were filled by barristers of a certain standing, wholly disconnected from Colonial interests, with fixed and suitable salaries, altogether independent of the local assemblies, and receiving their authority and their instructions from the Crown ? Would it make no difference, if the whole judicial administration were placed under the superintending care, and the responsibility of such intelligent and independent functionaries, receiving regular reports of every judicial proceeding from the inferior tribunals, and transmitting them, together with their own records, to the supreme authorities of the State, to be by them laid before Parliament ? Would not the institution of this universal system of record, report, inspection, publicity, and consequent responsibility, go far, of itself, and still more when combined with the suggested change in the executive department of the law, to reform many of the existing evils of the Colonial system ? And is it not in the power of Parliament to follow up its enactments for the improvement of the law, by such improve-

ments in the administration of that law as have now been hinted at? And if in the power, is it not also, the duty, of Parliament to do so?

3. But it will be argued that, though something may be done, by reforming the judicial administration of the Colonies, to correct the existing evils of the Slave system, yet the juries must still be composed of men actuated by the prevailing Colonial prejudices, and equally ready as now to render nugatory every obnoxious law. Neither the Judge, however able and upright, nor the Parliament itself, can prevent the powerful influence of the *esprit de corps* on the minds of jurymen.

This is to a certain degree true. There is, however, a large department of the judicial administration which is entirely in the hands of the judges, independently of juries; and even in that department of it which rests wholly on the decisions of a jury, it cannot be supposed that the presence and dicta of an intelligent and unbiassed judge, and the system of revision and publicity which has been suggested, would not produce a very powerful and salutary effect on those decisions.

Besides this, there is another and obvious palliative at least, if not remedy, for the evil under consideration, in the admission to the jury box of those free Blacks and persons of colour, who are qualified by their property, and intelligence, and acquirements, to take a share in the administration of justice. Why should *they* be excluded? Have they not interests, and large interests too, at stake? Even foreigners have a right, when tried, to have a moiety of their peers foreigners like themselves. By what strange anomaly in British jurisprudence is it that native born subjects, men possessing a common interest in the state, shall, not on account of the want of a qualification as to property, or intelligence, or loyalty, but on account of the varying shades of their complexion, be excluded, as a degraded caste, from the first and dearest right of the British Constitution, a trial by their peers?

That such reforms are in the power of parliament; and that, if made, they would improve the administration of justice, and afford increased security to the slave, and thus obviate the only solid objection to parliamentary legislation, cannot be questioned; and without parliamentary legislation, what hope exists that slavery will either be materially mitigated, or finally extinguished?

The object of these pages has been fulfilled. It would therefore be out of place to enter upon a variety of questions, foreign to its immediate purpose, though connected with the general subject, to which the public attention has recently been directed by various publications, particularly by a pamphlet entitled "The West India question practically considered," and to which rumour has assigned somewhat of an official origin.

This pamphlet, though it be impossible now to enter upon it, may

require an early discussion. This remark, however, has no reference to the pains the author has taken to convince the world that the views entertained by the leading abolitionists, in 1826, on the subject of the necessity and expediency of legislative interference with the colonies, has undergone a great change since 1792, and even since 1807. This fact is not only admitted, but stands forward as the very ground of their recent proceedings.* But if they then placed, it may be, an unwarranted, but nevertheless, a liberal, confidence in the purposes of the colonists, with respect to the improvement of the condition of their slaves, are they, or those who have entered into their labours, to be blamed as wanting in good faith, because the painful experience of twenty years has satisfied them that their confidence was misplaced, and all hope of improvement, except from parliamentary interference, vain and illusory?

On this point the author may enjoy his victory undisturbed. There are other questions however from which not only the Anti-Slavery Society, but the whole British public will dissent, and which are either distinctly stated, or may be deduced as fair corollaries from the reasoning employed in this and some other kindred writings. Such, for example, are the following:

That because the British parliament and people have participated largely in the crime of slavery, they ought not, though convinced of its guilt, to cease from that crime, lest some of their accomplices should be losers.

That because great cruelties are among the *necessary* incidents of slavery, it is our duty not to make a noise about what cannot be prevented.

That though it is of the very essence of despotic power to be abused, and its existence has hitherto been deemed a curse, yet such is the peculiar character of our colonists, that the most unmeasured despotism ever exercised by man over his fellows is converted, in their case, into a blessing to the subjects of it.

That though it may be proved that the slave population of our colonies are in the singular situation of being a diminishing population, yet we are bound, in common courtesy, to believe that they are leniently treated, moderately worked, well fed, clothed and lodged; because many *honourable* men, the masters of these slaves, have affirmed the fact.

That it is so great an evil to irritate and provoke the colonists, that we must not call the crimes they commit by their appropriate names, but regard them as the unhappy accidents of their unfortunate situation.

That on the same principle, we must be content to indulge them for a few years longer, until they can be weaned from former habits, with

* See substance of the debate of 15 May 1823—Preface, p. xi.

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